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AMERICANA

February, 1913

An Echo of War Times

LETTERS OF GEN'L. GEORGE E. PICKETT WRITTEN FIFTY YEARS AGO FROM THE GREAT BATTLEFIELDS OF THE CONFEDERACY

UNDER the secret preserving title of "The Love Letters of a Confederate General," a remarkable series of letters written from the battlefields of the Civil War have appeared recently in a prominent magazine. Their serial publication stirred up a controversy in regard to the identity of the author, which has run with zest throughout the country. The letters were apparently the product of one of the leaders of the Confederacy and their authorship has been attributed to various well-known officers; but it is now revealed for the first time, through their publication in book form,* that they were actually written by Gen'l. George Edward Pickett—he who led his division of Virginians in the famous charge at Gettysburg.

In these letters, which were written to the young girl who later became his wife, General Pickett tells the story of the War between the states, from Secession to Appomattox. Penned or pencilled on stray scraps of paper, on the march or in the silence of the bivouac, each page of the letters throbs with the reality of the terrific conflict of forces from which they issued. They contain many intimate glimpses of national heroes—Grant, Lee, "Stonewall" Jackson, McClellan, Longstreet, Burnside and Kearny—and are filled with incidents of war times and narratives of personal experience of the utmost historic interest.

*The Heart of a Soldier, published by Seth Moyle (Inc.), New York, $1.30 net

Among the letters in this volume are many which throw a new light on the events of the war. In the opening one the General tells why he gave his allegiance to the South. He writes:

I had no conception of the intensity of feeling, the bitterness and hatred toward those who were so lately our friends, now our enemies. I, of course, have always strenuously opposed disunion, not as doubting the right of secession, which was taught in our text-books at West Point, but as gravely questioning its expediency. I believed that the revolutionary spirit which infected both North and South was but a passing phase of fanaticism which would perish under the rebuke of all good citizens, who would surely unite in upholding the Constitution; but when that great assembly, composed of ministers, lawyers, Judges, Chancellors, statesmen, mostly whitehaired men of thought, met in South Carolina, and when their districts were called, crept noiselessly to the table in the centre of the room and affixed their signatures to the parchment on which the ordiance of secession was inscribed, and when in deathly silence, in spite of the gathered multitude, Gen. Jamison arose and without preamble read: "The Ordinance of Secession has been signed and ratified. I proclaim the State of South Carolina an independent sovereignty," and, lastly, when my old boyhood friend called for an invasion, it was evident that both the advocates and opponets of Secession had read the portents aright.

You know, my little lady, some of those cross-stitched mottoes on the cardboard samplers which used to hang on my nursery wall, such as "He who provides not for his own household is worse than an infidel," "Charity begins at home," &c., made lasting impression upon me; and while I love my neighbor, i. e., my country, I love my household, i. e., my State, more, and I could not be an infidel and lift my sword against my own kith and kin, even though I do believe, my most wise little counselor and confidante, that the measure of American greatness can be achived only under one flag, and I fear, alas, there can never again reign for either of us the true spirit of national unity, whether divided under two flags or united under one.

The subject is pursued in a later letter, which runs:

Why, my darling, all that we ask is a separation from people of contending interests, who love us as a nation as little as we love them, the dissolution of a union that has lost its holiness, to be let alone, and permitted to sit under our own vine and fig tree and eat our figs peeled or dried or fresh or pickled, just as

we choose. The enemy is our enemy because he neither knows nor understands us, and yet will not let us part in peace and be neighbors, but insists on fighting us to make us one with him, forgetting that both slavery and secession were his own institutions.

The Battle of Seven Pines

There follows a vivid and stirring description of the battle of Seven Pines:

A violent storm was raging, flooding the level ground, as I wrote you last, followed the next day by one of fire and blood—the Battle of Seven Pinee.

Under orders from Old Peter (Gen. Longstreet) we marched at daylight and reported to D. B. Hill, near Seven Pines. Hill directed me to ride over and communicate with Hood. I started at once with Charlie and Archer of my staff to obey this order, but had gone only a short distance when we met a part of the Louisiana Zouaves in panic. I managed to seize and detain one fellow, mounted on a mule that seemed to have imbibed his rider's fear and haste. The man dropped his plunder, and seizing his carbine, threatened to kill me unless I released him at once, saying that the Yankees were upon his heels.

We galloped back to Hill's headquarters, Archer bringing up the rear with the Zouave, who explained that the enemy were advancing in force and were within a few hundred yards of us. Hill ordered me to attack at once, which I did, driving them through an abatis over a crossroad leading to the railroad. As we were nearing the second abatis, I, on foot at the time, noticed that Armistead's brigade had broken, and sent a courier back posthaste to Hill for troops. A second and third message were sent, and then a fourth, telling him that if he would send me more troops and ammunition we could drive the enemy across the Chickahominy. Alas! alas; my darling, Hill, as brave, as great, as heroic a soldier as he is, has, since the fall of Johnston, been so bothered and annoyed with countermanding orders that he was, if I may say so, addled, confused. After this delay, nothing was left for us but to withdraw. Hill sent two regiments of Colston's brigade and ordered Mahone's brigade, on my right, and at 1 o'clock at night, under his orders, we withdrew in perfect order, and the enemy retreated to their bosky dell. Thus my darling, was ended the battle of Seven Pines. No shot was fired afterward.

Oh, how I wish I could say it ended all battles, and that the last shot that will ever be heard was fired on June 1, 1862, at the battle of Seven Pines.

On the night before Gen. Pickett was wounded at Gaines's Mill, he wrote prophetically:

All last night, my Sally, the spirit of my dear mother seemed to hover over me. When she was living and I used to feel in that way, I always, as sure as fate, received from her a letter written at the very time that I had the sensation of her presence. I wonder, if up there she is watching over me, trying to send me some message—some warning. I wish I knew.

Begged for Immediate Marriage

In April, 1863, Gen. Pickett, so distraught with the fear that death in battle would overtake him before he could make "Little Miss Sallie" his wife, wrote her to come to him at once. In this letter he says:

This morning I awakened from a beautiful dream, and while its glory still overshadows the waking and fills my soul with radiance I write to make an earnest request, entreating, praying that you will grant it. You know, my darling, we have no prophets in these days to tell us how near or how far is the end of this awful struggle. If the "battle is not to the strong" then we may win; but when all our ports are closed and the world is against us, when for us a man killed is a man lost, while Grant may have twenty-five of every nation to replace one of his, it seems that the battle is to the strong. So often already has hope been dashed to the winds. . . .

As you know, it is imperative that I remain at my post, and absolutely impossible for me to come to you. So you will have to come to me. Will you, dear? Will you come? Can't your beautiful eyes see beyond the mist of my eagerness and anxiety that in the bewilderment of my worship—worshipping, as I do, one so divinely right and feeling that my love is returned—how hard it is for me to ask you to overlook old-time customs, remembering only that you are to be a soldier's wife? A week, a day, an hour, as your husband would engulf in its great joy all my past woes and ameliorate all future fears.

Mrs. Pickett adds here an explanatory note stating that she was forced to refuse his request on account of the rigid system of social training in which a girl of that period was reared. The General admitted that she was right and they were not married until some six months later, after Gettysburg.

In a later letter, written the night before the charge of Gettysburg, Gen. Pickett writes:

Just as we three separated to go our different ways after silently clasping hands, a summons came from Old Peter, and I immediately rode to the top of the ridge where he and Marse Robert were making a reconnoissance of Meade's position. "Great God!" said Old Peter, as I came up, "look at the insurmountable difficulties between our line and that of the Yankees—the steep hills, the tiers of artillery, the fences, the heavy skirmish line—and then we'll have to fight our infantry against their batteries. Look at the ground we'll have to charge over, nearly a mile of that open ground there under the rain of their canister and shrapnel."

"The enemy is there, Gen. Longstreet, and I am going to strike him," said Marse Robert in his firm, quiet, determined voice.

About eight o'clock I rode with them along our line of prostrate infantry. They had been told to lie down to prevent attracting attention, and though they had been forbidden to cheer they voluntarily rose and lifted in reverential adoration their caps to our beloved commander as we rode slowly along. Oh, the responsibility for the lives of such men as these!

Well, my sweetheart, at 1 o'clock the awful silence was broken by a cannon shot and then another, and then more than 100 guns shook the hills from crest to base, answered by more than another 100—the whole world a blazing volcano, the whole of heaven a thunderbolt—, then darkness and absolute silence—then the grim and gruesome, low-spoken commands—then the forming of the attacking columns, the hurrying of the men to the positions assigned to them. My brave Virginians are to attack in front. On, may God in mercy help me as He never helped me before.

I have ridden up to report to Old Peter. I shall give him this letter to mail to you, and a package to give you if—Oh my darling, do you feel the love of my heart, the prayer, as I write that fatal word—"if?"

After the desolating battle, he wrote:

On the Fourth I wrote you just a line of heart-break. The sacrifice of life on that blood-soaked field on the fatal third was too awful for the heralding of victory, even for our victorious foe, who, I think, believe as we do, that it decided the fate of our cause. No words can picture the anguish of that roll-call—the brethless waits between responses. The "here" of those who, by God's mercy, had miraculously escaped the awful rain of shot and shell was a sob—a gasp—a knell—for the unanswered

name of his comrade called just before. There was no tone of thankfulness for having been spared to answer to their names, but rather a roll, and an unvoiced wish that they, too, had been among the missing. But for the blight to your young life, but for you, only you, my darling, your Soldier would rather by far be out there, too, with his brave Virginians—dead.

Even now I can hear them cheering as I gave the order, "Forward!" I can feel the thrill of their joyous voices as they called out all along the line, "We'll follow you, Marse George. We'll follow you—we'll follow you." Oh, how faithfully they kept their word—following me on—on—on—to their death, and I, believing in the promised support, led them on—on—on—Oh, God!

I can't write you a love letter to-day, my darling, for with my great love for you and my gratitude to God for sparing my life to devote to you, comes the overpowering thought of those whose lives were sacrificed—of the broken-hearted widows and mothers and orphans.

The End of the War in Sight

The final letter of the series was written a few hours before the surrender of Gen. Lee at Appomattox. It follows:

To-morrow, my darling, may see our flag furled forever. Jackerie, our faithful old mail carrier, sobs behind me as I write. He bears tonight this—his last—message from me as "Our Cupid." First he is commissioned with three orders, which I know you will obey as fearlessly as the bravest of your brother soldiers. Keep up a stout heart. I shall come back to you and know that God reigns. After tonight, you will be my whole command—staff, field officers, men—all. The second commission is only given as a precaution—least I should not return, or lest for some time I should not be with you. Lee's surrender is imminent. It is finished.

Ah, my beloved division! Thousands of men have gone to their eternal home, having given up their lives for the cause which they knew to be just. The others, alas! heart-broken, crushed in spirit, are left to mourn its loss. Well, it is practically all over now. We have poured out our blood and suffered untold hardships and privations, all in vain. And now, well, I must not forget, either, that God reigns. Life is given us for the performance of duty, and duty performed is happiness.

It is finished—the suffering, the horrors, the anguish of these last hours of struggle. The glorious gift of your love will help me to bear the memory of them. In this midnight hour I feel the caressing blessing of your pure spirit as it mingles with mine. Peace is born.



Flint Castle



Flint Village

Traditions of the Earliest Visits of Foreigners to North America

By Col. Reuben Thomas Durrett, A. M., LL.D., President of the Filson Club

VII. THE MADOC TRADITION IN EUROPE

THE first account of the migration of Prince Madoc to unknown lands was printed in the voyages of Hakluit, first published in London in 1582. Hakluit took it from the writings of Gutton Owen, a Welsh bard who flourished in the latter part of the Fourteenth and early part of the Fifteenth century, and who in turn had copied it from the records of the abbeys of Conway in North Wales and Strata Florida in South Wales. It was the custom of the Welsh at that time to record important events in their abbeys, as the Egyptians did in their temples. The bards, who were the historians of the times, had free access to these abbeys and copied the records and repeated or sang them on public occasions. Gutton Owen was a well-known bard, and of sufficient standing for King Henry VII to appoint him one of a commission to search the records of Wales for the genealogy of Owen Tudor, his grandfather. Hence Hakluit gives him as authority for the Madoc tradition. This tradition appears in Hakluit's "Divers Voyages Touching the Discovery of America, etc.," first published in 1582, as follows:

The Madoc Traditions From Hakluit's Voyages—Volume 3, Page 1

"After the death of Owen Gwynedd, his sonnes fell at debate who should inherit after him, for the eldest sonne born in Matrimony Edward or Jorwerth Drwidion (Drwyndwn) was counted unmeet to govern because of the maime upon his face, and

Howel that took upon him the rule, was a base sonne, begotten upon an Irish woman. Therefore, David, another Sonne, gathered all the power he could and came against Howel, and fighting with him, slew him and afterwards enjoyed quietly the whole land of North Wales until his brother Jorwerth's Sonne came to age.

"Madoc, another of Owen Gwyneth's Sonnes, left the land in contentions betwixt his brethren and prepared certain ships with men and munition and sought adventures by seas, sailing west and leaving the coast of Ireland so farre north, that he came to a land unknown, where he saw many strange things.

"This land must needs be some parts of the Country, of which the Spanyards affirm themselves to be the first Finders since Hanno's Time; whereupon it is manifest that that country was by Britons discovered long before Columbus led any Spanyards thither.

"Of the voyage and return of this Madoc, there be many fables framed, as the common people do use in distance of place and length of time, rather to augment than to diminsh, but sure it is, there he was. And after he had returned home, and declared the pleasant and fruitful countries, that he had seen without inhabitants, and upon the contrary, for what barren and wild ground his brothers and nephews did murther one another, he prepared a number of ships and got with him such Men and Women as were desirous to live in quietness, and taking leave of his friends, took his journey thitherwards again.

"Therefore, it is supposed that he and his people inhabited part of those countries, for it appeareth by Francis Lopez de Comara that in Acuzamil, and other places, the people honoured the Cross. Whereby it may be gathered that Christians had been there before the coming of the Spanyards but because this people were not many, they followed the manner of the land which they came to, and the language they found there.

"This Madoc arriving in that western country, unto the which he came in the year 1170, left most of his people there, and returning back for more of his own nation, acquaintance and friends to inhabit that fair land and large country, went thither again with Ten Sailles, as I find noted by Gutton Owen. I am

of the opinion that the land whereunto he came was some part of the West Indies."

This Madoc tradition next appears in the history of Wales by Caradoc, translated into English by Llwyd and published by Powell in 1584. It does not, however, appear in the original work of Caradoc, whose history only comes down to the year 1157. Llwyd, the translator, added to the original text of Caradoc the Madoc tradition, which he got from the abbeys of Conway and Strata Florida, as Owen had gotten what was published by Hakluit. The source of the tradition is therefore the same in both Hakluit and Powell and the facts substantially the same. The following is the Welsh tradition as given in the new edition (London, 1812) of Powell's Caradoc, pages 194-196:

The Madoc Tradition in Welsh History

"Prince Owen Gwynedd being dead the succession was of right to descend to his eldest legitimate son, Iorwerth Drwydwn, otherwise called Edward with the Broken Nose; but by reason of that blemish upon his face, he was laid aside as unfit to take upon him the government of North Wales. Therefore his younger brothers began every one to aspire, in hopes of succeeding their father; but Howel, who was of all the eldest, but base born begotten of an Irish woman, finding they could not agree, stept in himself and took upon him the government. But David, who was legitimately born could not brook that a bastard should ascend his father's throne, and therefore he made all the preparation possible to pull him down. Howel, on the other hand, was as resolute to maintain his ground, and was not willing so quickly to deliver up, what he had not very long got posession of; and so both brothers meeting together in the field, were resolved to try their title by the point of the sword. The battle had not lasted long, but Howel was slain; and then David was unanimously proclaimed and saluted Prince of North Wales, which principality he enjoyed without any molestation, till Llewlyn, Iorwerth Drwynden's son came of age, as will hereafter appear. But Madoc, another of Owen Gwynedd's sons, finding how his brothers contended for the principality, and that his native country was like to be turmoiled in a civil war, did

think it his better prudence to try his fortune abroad; and therefore leaving North Wales in a very unsettled condition, sailed with a small fleet of ships which he had rigged and manned for that purpose, to the westward; and leaving Ireland on the north, he came at length to an unknown country, where most things appeared to him new and uncustomary, and the manner of the natives far different from what he had seen in Europe. This country, says the learned H. Llyod, must of necessity be some part of that vast tract of ground, of which the Spaniards, since Hanno's time, boast themselves to be the first discoverers, and which by order of Cosmography, seems to be some part of Nova Hispania, or Florida; whereby it is manifested, that this country was discovered by the Britains, long before either Columbus or Americus Vesputius sailed thither. But concerning Madoc's voyage to this country, and afterwards his return from thence, there are many fabulous stories and idle tales invented by the vulgar, who are sure never to diminish from what they hear, but will add to and increase any fable as far as their invention will prompt them. However, says the same author, it is certain that Madoc arrived in this country, and after he had viewed the fertility and pleasantness of it, he thought it expedient to invite more of his countrymen out of Britain; and therefore leaving most of those he had brought with him already behind, he returned for Wales. Being arrived there, he began to acquaint his friends with what a fair and extensive land he had met with, void of any inhabitants, whilst they employed all their skill to supplant one another, only for a ragged portion of rocks and mountains; and therefore he would persuade them to change their present state of danger and continual clashings for a more quiet being of ease and enjoyment. And so having got a considerable number of Welsh together, he bid adieu to his native country, and sailed with ten ships back to them he had left behind. It is therefore to be supposed, says our author, that Madoc and his people inhabited part of that country, since called Florida by reason that it appears from Francis Loves, an author of no small reputation, that in Acusanus and other places, the people honoured and worshipped the cross; whence it may be naturally concluded that christians had

been there before the coming of the Spaniards; and who these christians might be, unless it were this colony of Madoc's, it cannot be easily imagined. But by reason that the Welsh who came over, were not many, they intermixed in a few years with the natives of the country and so following their manners and using their language, they became at length undistinguishable from the barbarians. But the country which Madoc landed in, is by the learned Dr. Powell supposed to be part of Mexico for which conjecture he lays down these following reasons:—first as it is recorded in the Spanish chronicles of the conquest of the West Indies the inhabitants and natives of that country affirm by tradition, that their rulers descended from a strange nation, which came thither from a strange country; as it was confessed by King Montezuma, in a speech at his submission to the King of Castile, before Hernando Cortez, the Spanish general. And then the British words and names of places used in that country, even at this day do undoubtedly argue the same; as when they speak and confabulate together, they use this British word, Gwarando, which signifies to hearken, or listen, and a certain bird with a white head, they call Pengwyn, which signifies the same in Welsh. But for a more complete confirmation of this, the island of Corroeso, the cape of Bryton, the river of Gwyndor, and the white rock of Pengwyn, which are all British words, do manifestly shew, that it was that country which Madoc and his people inhabited."

The closing paragraph of the preface to Doctor Powell's Caradoc (new edition, London, 1812) explains how the Madoc tradition got into the work of Caradoc after his death. Caradoc's history ends with the year 1157, and Llyod undertook to make such additions as would bring it down to 1270 and then publish the whole in an English translation. Among the additions was the Madoc tradition obtained from the Welsh abbeys through Gutton Owen. Death, however, overtook Llyod before he could publish his work, and Doctor Powell becoming possessed of his manuscript published it with his own edition in 1584.

In the foregoing extracts from Hakluit and Powell, which contain the earliest information outside of the Welsh abbeys on the subject, nothing appears to determine the country to which

Madoc went. He is simply represented as leaving Ireland to the north and sailing west until he reached a satisfactory country; then returning to Wales for recruits and sailing back to where he had landed on the first voyage. What is said by Hakluit about the West Indies being the Madoc land and by Powell about Florida and Mexico being the place, was simply their opinion after the discovery of Columbus. We now know that if Madoc had continued to sail westward and did not come in contact with an interventing island he would have been bound to reach some part of America, but neither Madoc nor his contemporaries knew this, from the fact that America was then unknown. These two extracts, short and wanting in detail as they are, form the historic basis upon which the whole fabric of the tale of the Welsh discovery in the Twelfth century rests. Corroborative evidence had to come from America. But for this American evidence it may be doubted whether the Madoc tradition would ever have gotten beyond a limited circle in the mountains of Wales. Giraldus, a Welsh author who wrote at the time of the Madoc expedition, does not mention it, and but for the rolls of the Welsh abbeys it is possible that the record of the event would have perished at that time. The American authorities have given it color and shape and strength, and I now propose to present such of them as I have been able to collect. As far as possible they will be given in their order of time, and extracts made from them for the benefit of those who may not have access to the originals.

VIII. THE MADOC TRADITION IN AMERICA

Captain John Smith, the first historian of Virginia, is entitled to whatever honor may belong to the first record of the Madoc tradition in America. At the beginning of an enumeration of the discoveries of America in his history, after simply naming the stories of Arthur, Malgo, Brandon, etc., as something he knew nothing about and doubtless cared less, he gives the Madoc tradition from the Welsh Chronicles as the only discovery before that of Columbus. It will be found at the beginning of his enumeration, in his "Generall Historie of Virginia, New England, and the Summer Isles," published at London in 1624, page 1. It is as follows:

"The Chronicles of Wales report, that Madock, fonne to Owen Quineth, Prince of Wales, feeing his two brethren at debate who fhould inherit, prepared certaine Ships with men and munition; and left his Country to feeke adventures by Sea; leaving Ireland north he fayled weft till he came to a land unknowne. Returning home and relating what pleafant and fruitful countries he had feen without inhabitants and for what barren ground his brethren and kindred did murther one another, he provided a number of Ships, and got with him fuch men and women as were defirous to live in quietneffe that arrived with him in this new land in the yeare 1170; Left many of his people there and returned for more. But where this place was no Hiftory can fhow."

The best American evidence corroborative of this tradition, however, begins with a statement made by the Reverend Morgan Jones in 1685. Parson Jones was a resident of Virginia in 1660, and was sent by Governor Berkeley as chaplain of an expedition to South Carolina. Afterward, while residing in New York, he made the following written statement and delivered it to Doctor Thomas Llwyd of Pennsylvania, from whom, after passing through the hands of several other respectable persons, it reached the Reverend Theophilus Evans, who had it published in the "Gentleman's Magazine," in London, in 1740, page 103. Parson Jones' statement is as follows:

"These presents may certify all persons whatever, that in the year 1660 being an inhabitant of Virginia, and Chaplain to Major General Bennet of Mansoman county, the said Major Bennett and Sir William Berkley sent two ships to Port Royal, now called South Carolina, which is sixty leagues to the southward of Cape Fair, and I was sent therewith to be their minister. Upon the 8th of April we set out from Virginia, and arrived at the Harbour's Mouth of Port Royal the 19th of the same month, where we waited for the rest of the Fleet that was to sail from Barbardoes and Bermuda with one Mr. West, who was to be Deputy Governor of the said Place. As soon as the Fleet came in, the smallest vessels that were with us sailed up the river to a place called the Oyster Point. There I continued about 8 months, all which time being most starved for want of

provisions, I and five more travelled through the Wilderness, till we came to the Tuscorara Country. There the Tuscorara Indians took us prisoners, because we told them we were bound for Roanoke. That night they carried us to their town, and shut us up close to our no small dread. The next day they entered into a consultation about us, which after it was over their interperter told us that we must prepare ourselves to die next morning. Thereupon being very much dejected and speaking to this effect in the British tongue 'Have I escaped so many dangers and must I now be knocked on the head like a Dog,' then presently an Indian came to me, which afterwards appeared to be a War Captain belonging to the Sachem of the Doegs (whose original I find needs be from the Old Britons) and took me up by the middle, and told me in the British tongue I should not die, and thereupon went to the Emperor of Tuscorara and agreed for my ransom, and the men that were with me. They then welcomed us to their town, and entertained us very civilly and cordially four months, during which time I had the opportunity of conversing with them familiarly in the British language, and did preach to them three times a week in the same language, and they would confer with me about anything that was difficult therein; and at our departure they abundantly supplied us with whatever was necessary to our support and well-doing. They are settled upon Pontiago River, not far from Cape Atros. This is a brief recital of my travels, among the Doeg Indians, Morgan Jones, the son of John Jones, of Basaleg, near Newport, in the county of Monmouth, I am ready to conduct any Welshman, or others to the country. New York, March 10th, 1865-6."

Geography was not as well understood at the date of this statement by Parson Jones as it is at the present, and as it was published fifty-five years after it was written, and probably without proof-sheets being seen by the author, it was to be expected that it would contain errors, especially in the names of persons and places. He doubtless meant for Mansoman the county of Nansemond, in southeast Virginia; for Cape Fair, Cape Fear; for Pontiago River, Pamlico River; and for Cape Atros, Cape Hatteras. The important word, however, in the statement is Doeg, the name by which he designates the tribe



Denbigh Castle



Denbigh Village

of Indians who spoke Welsh. I know of but one tribe of Indians that bore the name of Doeg. They were located in Maryland in what is now Prince George County, and entered into a treaty with Lord Baltimore in 1666. They might easily enough, with the proclivity of their race, have wandered from Maryland through Virginia to North Carolina or vica versa. If they were originally called Madocs, after the Welsh prince, the length of time between the coming of the Welsh to America and the date of the Baltimore treaty, or the Jones narrative, would be sufficient to account for the change in name.

But if this statement of Parson Jones be true, it would be difficult to account for this tribe of Indians in North Carolina in 1660, speaking the Welsh language, upon any hypothesis more reasonable than that of their being descendants of the Madoc colony. Parson Jones did not seem to know anything about Madoc, or at most said nothing about him. He does say, however, that he lived for four months among Indians who called themselves Doegs; that he conversed with them, and that he preached to them in the Welsh language, which they understood, and that they were located on Pamlico River at no great distance from Cape Hatteras in North Carolina. It is a great pity that he did not give a description of the persons and habits of these Indians and record their traditions, if any they had, of their origin, et cetera. If they had only stated why they were called Doegs, they might have furnished a key to unlock the mystery of their origin; for the taking of names is an important act among Indians, and never occurs without a meaning. It has been suggested that the Delawares were meant by the Doegs, but this takes us no nearer to Madoc. Different writers have thought that the Pawnees and the Padoucas and the Mandans were descended from the Madoc colony, but none of these Indians could ever give such an account of their origin as to point to any certain line of descent.

In 1770 was published in Philadelphia a work entitled "Materials towards a History of the American Baptists," by Morgan Edwards. In appendix number eight to this work appears the following letter, dated March 1, 1733, and addressed to the British Missionary Society in London:

"It is not unknown to you that Madoc Gwynedd, a prince of Wales, did about 500 years ago, sail to the westward with several ships and a great number of his subjects; and was never heard of after. Some relics of the Welsh tongue being found in old and deserted settlements about the Mississippi make it probable that he sailed up that river. And we, being moved with brotherly love to our countrymen are meditating to go in search of them, but are discouraged by the distance of the place and uncertainty of the course we should steer. If you can give us any information and direction together with some help to bear the expense we shall find men adventurous enough to undertake the expedition having no other end in view than to carry the gospel of peace among our ancient brethren; and believing it will be to the enlargement of the British empire in America and a proof of prior right to the whole continent should we happily succeed.

"We remain, gentlemen, your loving countrymen,

John Davis	Nathaniel Jenkins
David Evans	Benj. Griffiths
Rynalt Howel	Joseph Eaton."

Now here are half-a-dozen gentlemen in Philadelphia who have faith enough in the Madoc tradition to offer to search for any remnant that may remain of the Welsh colony, provided the necessary money can be raised to pay the expense of the expedition. These gentlemen make no allusion to the statement of Reverend Morgan Jones, which they possibly had not seen, but simply rely upon the tradition which was prevalent concerning Madoc. If a claim to the country by discovery were a part of their object, as they suggest, it would have been difficult, even if they had found the Madoc colony, to have set up a valid claim founded on the right of discovery. As the French held the country when this search was proposed, it would have been quite a serious undertaking to have driven them out, for Wales or any other country.

Captain Isaac Stewart, an officer of the Provincial Cavalry of South Carolina, in 1782, made the following statement, which was published in the second volume of the "American Museum" for July, 1787, page 92:

"I was taken prisoner about 50 miles to the westward of Fort Pitt, about 18 years ago, by the Indians, and was carried by them to the Wabash with many more white men, who were executed with circumstances of horrid barbarity; it was my good fortune to call forth the sympathy of what is called the good women of the town who was permitted to redeem me from the flames, by giving, as my ransom, a horse.

"After remaining two years in bondage amongst the Indians, a Spaniard came to the nation, having been sent from Mexico on discoveries. He made application to the chiefs, for redeeming me and another white man in the like situation, a native of Wales, named John Davey, which they complied with, and we took our departure in company with the Spaniard, and travelled to the westward, crossing the Mississippi near the River Rouge, or Red River, up which we travelled 700 miles, when we came to a nation of Indians, remarkably white and whose hair was of a reddish color, at least mostly so; they lived on the banks of a small river that empties itself into Red River, which is called the River Post. In the morning of the day after our arrival among these Indians, the Welshman informed me that he was determined to remain with them, giving as a reason that he understood their language, it being very little different from the Welsh. My curiosity was excited very much by this information, and I went with my companion to the chief men of the town, who informed him (in a language I had no knowledge of, and which had no affinity to that of any other Indian tongue I ever heard) that their forefathers of this nation came from a foreign country, and landed on the east side of the Mississippi describing particularly the country now called, West Florida, and that on the Spaniards taking possession of Mexico, they fled to their then abode, and as proof of the truth of what he advanced, he brought forth roles of parchment which were carefully tied up in otter skins, on which were large characters, written with blue ink, the characters I did not understand and the Welshman being unacquainted with letters, even of his own language, I was not able to know the meaning of the writing. They are a bold, hardy intrepid people, very warlike, and the women beautiful when compared with other Indians."

The Spaniards had recently come into possession of the country west of the Mississippi by cession from France, and it was natural enough that they should have explorers in the field examining it. Captain Stewart and his Spanish companion went a long way south before crossing the Mississippi into this territory, but that seeming wandering may have been a part of their explorations. They crossed the Mississippi at Red River and went up this stream toward its source in Northwestern Texas. Here they found Indians who were white, and talked Welsh. This was in the region of the Padoucah tribe of reputed White Indians, on the Rio Del Norte, who, according to General Bowles an intelligent Irishman living among the Cherokees, spoke Welsh. Captain Stewart's geography, like that of all early explorers, was not very accurate, but it could hardly have been otherwise when there was no one to teach geography and make reliable maps, as in later times.

In 1796, Reverend John Williams, LL.D., published in London a book entitled "An Inquiry into the Truth of the Tradition concerning the Discovery of America by Madog." This book abounds in valuable information on the subject of the Madoc colony in America, and from it the following extracts, beginning at page 41, are taken:

"Mr. Chas. Beatty, a Missionary from New York, accompanied by a Mr. Duffield, visited some inland parts of North America in the year 1766. If I rightly understood his journal, he travelled about 400, or 500 miles to the southeast of New York. During his Tour he met with several persons who had been among the Indians from their youth, or who had been taken captives by them, and lived with them several years. Among others one Benjamin Sutton, who had visited different Nations, and had lived many years with them. His account, in Mr. Beatty's words, was as follows:

"He (Benjamin Sutton) informed us, when he was with the Chactaw Nation, or tribe of Indians at the Mississippi, he went to an Indian town a very considerable distance from New Orleans, whose inhabitants were of a different complexion; not so tawny as those of other Indians, and who spoke Welsh. He said he saw a book among them, which he supposed was a Welsh Bi-

ble, which they kept carefully wrapped up in a skin, but they could not read it; and that he heard some of the Indians afterwards in the lower Shawanaugh Town speak Welsh with one Lewis a Welshman, captive there. This Welsh tribe now lives on the West side of the Mississippi River, a great way above New Orleans.

"Levi Hicks, as being among the Indians from his youth, told us he had been, when attending an Embassy in a town of Indians, on the west side of the Mississippi River, who talked Welsh (as he was told, for he did not understand them) and our interpreter Joseph saw some Indians whom he supposed to be of the same Tribe, who talked Welsh, for he told us some of the words they said, which he knew to be Welsh, as he had been acquainted with some Welsh people."

Following the preceding extract in the book of Mr. Williams is a lengthy account of a minister of the gospel who was captured by the Indians in Virginia and condemned to death. Just before he was to be executed—whether by fire or some other torture is not stated—he fell upon his knees and prayed aloud in the Welsh language. His executioners understood his words, had his death sentence set aside, and restored him to liberty. No name or date is given, but the facts stated are so nearly identical with those in the narrative of the Reverend Morgan Jones that there can be no doubt about his being the minister referred to. The narrative of Mr. Jones has been previously given in this article, and need not be repeated here. These two accounts of the same event, related so distantly apart in both space and time, indicate how widely spread the Madoc tradition was in America. It does not appear that Mr. Sutton had ever seen the Jones narrative, and yet more than one hundred years afterward, and more than one thousand miles distant in the wild West, he substanially repeated from tradition facts set forth in the Jones narrative. Such coincident narratives indicate that this tradition was known all over both savage and civilized America.

"Sutton further informed us that in the Delaware tribe of Indians he observed their women to follow exactly the custom of the Jewish women, in keeping separate from the rest seven

days at certain times prescribed in the Mosaic law; that from some old men among them he had heard the following Traditions: That of old time their people were divided by a river, and one part tarrying behind, that they knew not for certainty how they first came to this continent, but account for their coming into these parts, near where they are now settled. That a King of their nation where they formally lived far to the west, left his Kingdom to his two sons that the one son making war upon the other, the latter thereupon determined to depart and seek some new Habitation; that accordingly he set out accompanied by a number of his people, and that after wandering to and fro for the space of 40 years, they at length came to Delaware River, where they settled 370 years ago. The way, he says, they keep account of this, is by putting on a black bead of Wampum every year since on a Belt they have for that purpose."

This tradition is evidently a distorted and confused version of the original account of the Madoc narrative as related Hakluit's Voyages and Powell's Caradoc. After passing through Indian tribes for centuries we could hardly expect it to show less changes than it exhibits, and yet through all the changes the original is plainly seen. Madoc is the dissatisfied son who wanders for forty years, and thus confounds the narrative with the Israelites in the journey to Palestine through the Red Sea and the Wilderness. If there were truth in this Indian version of the tradition, we should be much obliged for being informed that Madoc and his colony landed on the Delaware River three hundred and seventy years ago.

In this learned work of Mr. Williams, the testimony of numerous persons who had been among the Welsh Indians in America is given in the shape of letters and statements. It also contains a vast number of authorities on the subject which were accessible to the author at the time it was published. It is in fact an exhaustive work on the subject.

(To be continued.)


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STORE HOUSE.
P. BROWN. J. G. COOMAN. W. BREWSTER. J. BILLINGTON. I. ALLERTON. F. COOKE. E. WINSLOW.
PLYMOUTH IN 1622.
GOVR BRADFORD.

Historic New England Towns Revisited, or Back on my Native Heath

BY ANDREW M. SHERMAN

CHAPTER IV

RESUMING the story of our sojourn in old Plymouth I will say, that we (that is to say, my brother and I) selected as our home, while conducting our researches, the Samoset (accent on the second syllable, according to the invariable pronunciation of the residents of the place), the proprietor of which, as we learned but a short time before bidding him adieu, is the son of a Civil War veteran who served in the Sixteenth Connecticut Volunteer Infantry. An earlier knowledge of this interesting fact, to us, also veterans of the War for the Union, would doubtless have added to our otherwise enjoyable sojourn at this homelike hostelry of old Plymouth.

Although my brother and I had several times within the twenty-five years past visited old Plymouth, and had each time paid our sincere respects to the rock on which the Pilgrim Fathers landed, our feet were again almost irresistibly drawn to the spot now considered sacred by every true lover of America; and, in accordance with the invariable custom of visitors to this national mecca, we once more stood upon the rock which the feet of our Pilgrim Fathers pressed as they stepped from the frail shallop in which they approached the "rock-bound" coast of New England.

Readers of this article will remember that the Mayflower, which had brought the Pilgrim Fathers from old England, anchored off what is now Provincetown, Mass., sometime in November, 1620. While at anchor at this point what is known as

The Pilgrim Compact was drawn up and signed by nearly ev man on board, in the cabin of the vessel. A copy of this C pact will be found in the Appendix, with the names of the s ers.

This first American constitution, which Lincoln pronou the foundation of the American Republic, was drawn up on lid of a chest, belonging to Elder Brewster. This chest of N way pine is preserved in the Atheneum at Hartford, Conn cut.

It was while the Mayflower lay off Provincetown, that sev excursions were made by a portion of the Pilgrims in the s lop brought over on the vessel which brought the Pilgrim F ers; these excursions were made with the view to discoveri suitable place of landing for permanent settlement. The count of one of these excursions, written by Governor Will Bradford, will be found to be of great interest.

During the last of these excursions, which started from Provincetown on December 6, 1620, the shallop lost her rud and to "cap the climax" her mast was broken, which left in a crippled condition. Drifting, at last, upon an island, w was subsequently named Clark's Island, after John Clark, first mate of the Mayflower, the little company landed and s Saturday, December 18th, in repairing their crippled craft. Sunday, the 19th, the Pilgrims held their first religious ser on shore. Next day, Monday, the 20th of December, the cruited company started out on another excursion; and on day they made a landing on what is now known the wide w over as Plymouth Rock. I have mentioned these facts as an troduction to the statement that the landing of this little c pany from the shallop, consisting of but a small portion of Pilgrims who came in the Mayflower, was *The Landing of Pilgrims.*

The names of the sixteen persons who landed at Plymouth December 20, 1620, are as follows: Miles Standish, John Car William Bradford, Edward Winslow, Edward Tillie, John lie, John Howland, Richard Warren, Stephen Hopkins, Edw Doty, Isaac Allerton, Thomas English, John Clark, mate, C pin, pilot, master gunner and three sailors.

On Tuesday, December 21st, the Mayflower was brought up into Plymouth Harbor, and anchored in the channel; and by means of the shallop the remainder of the Pilgrims were transferred from the Mayflower to shore, landing, as did the little company on the previous Monday, on what we now call Plymouth Rock. Some historians state that Mary Chilton, an English maiden, was the first of the company that landed on the 21st, to step upon the rock which is now considered sacred by all true Americans.

One of the fondly anticipated pleasures of my recent visit to old Plymouth, was a trip, by sail boat, out to the spot in the harbor where the Mayflower is now supposed to have anchored on her arrival from Provincetown; and where she was moored until the spring of 1621. The change of temperature several degrees downward, however, cooled my ardor sufficiently to deter me from the undertaking. I had, therefore, to content myself with looking out across the choppy blue waters of the harbor and thus view from a distance the mooring place of the famous vessel that brought to these shores "the most uncommon company of common men and women" who ever crossed the trackless sea to lay the foundations of the most "uncommon" government on which the sun ever shone!

While we were still inside the iron railings of the granite canopy that now covers and encloses Plymouth Rock, a carriage containing an elderly woman, an apparently younger woman and a young man, the latter, as we subsequently learned, being the son of the younger of the two women, drove up to within a few yards of the canopy. The younger woman and her son stepped from the carriage and entered the canopy, and the elder woman remained in her comfortable seat, satisfied, evidently, to view the rock and canopy from the short distance which intervened. Mother and son, not only looked upon the rock, but the son assisted his mother to step up on its broad surface and afterward stepped up himself and stood for a few moments beside her. If I may be permitted to judge of the mother's emotions, as she stood on the rock, from the picture that appeared on her face, I will not hesitate to say that she considered herself amply repaid for any inconveniences she may have experi-

enced in making the trip to old Plymouth to enjoy the rare privilege of pressing her feet, even for a few moments, upon the rock which received the Pilgrim Fathers from the homely shallop in which they had, from necessity, approached the New England shore, on December 20, 1620.

A common historical sympathy made the little company of tourists acquainted, and, entering into conversation, we each soon ascertained the place of residence of the other. Acting upon the suggestion of the younger woman, my brother and I went out to the carriage in which the elder woman still sat, and were introduced to her; and from the brief conversation that ensued we learned that she was a resident of Stratford, Conn. I have recalled this little episode of our recent visit to Plymouth for the purpose, chiefly, of illustrating the fact that from all over this country, not to mention other countries, lovers of our national history and its humble but sublime beginnings at Plymouth are daily journeying to pay their sincere respects to the early home of those who laid the foundations of this glorious republic, and especially to see Plymouth Rock. It is said that 50,000 persons visit this American mecca annually.

Inasmuch as the following quotation from an article which recently appeared in a religious periodical exhibits such a superficial knowledge of the subject so glibly treated, I shall refrain from giving the author's name; he says:

"One gets quite a shock at the sight of Plymouth Rock. It is located near the steamboat wharf, and surrounded by warehouses, coal sheds, and other dingy buildings, and the atmosphere is permeated with a distinct odor of oil and fish. It seems as though the historic stone was worthy of a more artistic setting, but as Plymouth is founded and builded, both literally and figuratively, about this rock, we suppose it is ungracious to find fault with its situation. If our Pilgrim forefathers had been blessed with second sight, they, doubtless, would have exercised more discretion in selecting their landing-place and chosen one that would have made more impressive surroundings possible. But alas, we never know when we are making history. Another shock is to find that the rock is still quite large, despite the numberless pieces, guaranteed genuine, that have been sold as souvenirs."

Any person who has visited Plymouth with both eyes open and gone over even the business portion of this town of about 10,000 inhabitants, not to mention its residential portion, should have learned that neither literally nor figuratively is it "builded" nor was it "founded about this (Plymouth) rock." As a matter of fact Plymouth Rock, the landing place of the Pilgrim Fathers, lies at the eastern extremity of the old town; and the original settlement began near the rock and extended south westward and westward to the base of what is now known as Burial Hill, a distance of about an eighth of a mile, with the rude dwellings of the Pilgrims on either side of what was originally First, but is now Leyden street. Of those primitive dwelling houses of the Pilgrims I shall have occasion to speak more particularly at a later stage of our story.

Neither is Plymouth Rock surrounded "by warehouses, coal sheds, and other dingy buildings." It is true that to the eastward of the rock, in the direction of the water front, there are a few unpainted buildings that are not objects of beauty; but to the south westward and westward lies the town, and the buildings adjacent to the rock are all of respectable appearance and some are capacious and comfortable dwellings of a comparatively modern style of architecture.

As to the "distinct odor of oil and fish" which the article referred to asseverates permeates "the atmosphere" in the vicinity of Plymouth Rock, I do not hesitate to say that it is purely imaginative on the part of the writer of the article in question. I have visited the rock several times, and have sometimes remained in close proximity to it several hours, and I have never detected any "distinct odor of oil and fish."

But the "unkindest cut of all" of the article under consideration is the insinuation that the pieces of Plymouth Rock sold by the officials of Pilgrim Hall to visitors are spurious. I have at home among my modest collection of highly prized souvenirs a piece of Plymouth Rock which I purchased at Pilgrim Hall something like fifteen years ago; originally I had four pieces, but to friends who I thought would appreciate their value I gave all but a single piece about the size of a small hickory nut, which I shall continue to consider genuine and of great value as a

souvenir. And I shall request of my only son, who I trust may survive me many years, that he sacredly preserve this piece of the rock on which the Pilgrim Fathers landed on the 20th of December, 1620, and hand it down to a future generation. In proof of the genuineness of this piece of Plymouth Rock now in my possession I quote from a local historian of old Plymouth, as follows:

"In 1775, during the first fresh enthusiasm of the Revolution, in endeavoring to raise the rock from its bed on the shore, to prevent its being covered by the filling in of a wharf about it, this piece (the upper portion) split off. Auguries of the separation of the Colonies from the Mother Country were then drawn from the circumstance, and the upper part was taken, amidst much rejoicing, to Town Square, where it was deposited at the foot of a liberty pole from which waved a flag bearing the motto 'Liberty or Death.' It remained there until 1834, when, at a celebration of the Fourth of July, it was carried in procession to Pilgrim Hall, deposited in the front area, and enclosed by the iron fence which now surrounds the tablet with the Compact near the same spot. Here it remained forty-six years, its incongruous position, away from the water, not being understood by visitors without lengthy explanations." It was therefore decided to reunite the parts of the rock at the original landing-place. * * * "and accordingly on Monday, September 27, 1880, without ceremony, this part of the Rock was placed beneath the Monumental Canopy at the water-side, the reunited pieces probably now presenting much the same appearance as when the Pilgrim shallop grazed its side. As to the identity of this Rock, and the certainty of its being the very one consecrated by the first touch of Pilgrim feet on this shore, *there is not the slightest loop-hole for a doubt.*"

When the upper portion of Plymouth Rock was removed from its original position near the water up to Town Square (and my authority for this statement is a resident historian who may safely be accepted as reliable), one or more pieces of considerable dimensions became entirely separated from the Rock, and these separated pieces were taken in charge by the officials of Pilgrim Hall and subsequently broken up into pieces about the



Plymouth Rock Canopy & Coles Hill, Plymouth, Mass.

THE ORIGINAL PEREGRINE WHITE HOUSE, CENTER MARSHFIELD, MASS.



size of a small hickory nut and have since been sold at twenty five cents each; smaller pieces have been sold at ten cents each. During a visit to Pilgrim Hall about fifteen years ago, as already mentioned, I purchased four pieces of this Rock, three at ten cents and one at twenty-five cents, each. A Society so well backed, financially, would be, and is, under no sort of necessity of grossly deceiving visitors to Plymouth by selling them spurious fragments of the Rock on which the Pilgrims landed after their courageous voyage across the tumultuous ocean.

A few words concerning the landing place selected by the Pilgrim Fathers. After careful examination by sea faring men it was deliberately selected as the most suitable rock along the coast at the particular point where the Pilgrims had concluded to make a landing; and had "our Pilgrim forefathers been blessed with second sight" they could not have selected a more suitable place for landing than the identical rock (which, according to some geologists, is the only rock of the kind on the New England coast) to see which, thousands journey to old Plymouth each year.

It should be remembered that when the Pilgrim Fathers used what is now known as Plymouth Rock as a landing place, it lay at the water's edge; and the shallop which brought them, first from Clark's Island, on December 20, and subsequently from the Mayflower, anchored out in the harbor, on the 21st of December, 1620, "grazed its side" in order to get near enough for its precious human freight to be landed. If this rock were now at the water's edge, as originally, it would unquestionably possess an added charm to visitors who come from near and far to look admiringly upon it.

In order, however, to make a wharf for the accommodation of shipping the new made land was extended out into the waters of the harbor far beyond the original shore line, and this, of course, left the rock of landing inland a considerable distance, which position it now occupies; but it is, nevertheless, the identical rock on which the Pilgrim Fathers landed.

Of Plymouth Rock Alexis De Tocqueville, the gifted French author has most eloquently said: "This rock is become an object of veneration in the United States. I have seen bits of it enre-

fully preserved in several towns of the Union. Does not this sufficiently show that all human power and greatness is in the soul of man? Here is a stone which the feet of a few outcasts pressed for an instant, and this stone becomes famous; it is treasured by a great nation, its very dust is shared as a relic, and what is become of the gateways of a thousand palaces?"

Inasmuch as one of the objects of our visit to the early home of the Pilgrim Fathers was the obtainment of some loose ends of data concerning our first paternal American ancestor, William Sherman, already mentioned, we promptly found our way to the Plymouth County Courthouse, which, by the way, according to the testimony of the judges of the old Bay State courts, who are familiar with the edifice, surpasses all other buildings of the kind in the commonwealth "in point of beauty and convenience."

"Here (in the Plymouth County Courthouse) are the earliest records of Plymouth County, in the handwriting of the men who are now held in reverence the world over for their courage in braving the perils of an unknown sea and an equally unknown shore, to face the dangers of savage men and savage beasts, in their constancy to what they believed to be their duty, and for planting on this spot the great principles of a government by the people.

"A church without a bishop,
A state without a king.

"Here is their writing, some of it quaint and crabbed, some fair and legible. Here on these very pages rested the hands, fresh from handling the sword and musket, or the peaceful implements of husbandry, of Bradford and Brewster and Standish, and others of that heroic band."

Among the great pleasures of my life is that of having personally examined the pages of the Plymouth Colony records. That things valuable, interesting and even curious are to be found on the well-worn pages of these ancient records is to be presumed by those, even, who have never looked upon them. As illustrations, merely, of the truly rare character of these records I will say that while examining their pages I came across

several entries of great personal interest to me. For example, I learned that in the early part of the seventeenth century there arose a disagreement between my paternal ancestor, William Sherman, and the owner of an adjacent farm in Marshfield, over boundary lines; and in consequence, the two near neighbors were for some time at loggerheads with each other. It seeming to be impossible for the two neighbors to settle the difficulty between themselves, the court at Plymouth at length authorized Captain Miles Standish to go to Marshfield and arbitrate between the two hardheaded farmers; and, proceeding to the scene of the disagreement, about eight miles from Plymouth, the doughty captain soon adjusted the long standing difficulty to the mutual satisfaction of all parties concerned.

The following occurrence recorded in the Plymouth court proceedings, and which I came across during my researches of the records, may well, I think, be classed among the curious things of those early days: The use of tobacco was forbidden in the Plymouth Colony, and the penalty for the violation of the enactment was the imposition of a fine. My ancestor, William Sherman, chewed tobacco; and he was, therefore, cited into court to answer the charge of violating the enactment against its use. To this citation he promptly responded. He admitted using the "vile weed;" paid the fine imposed; returned to his home at Marshfield; continued the use of tobacco, and there is neither record nor tradition of his ever again being molested for his indulgence. From this incident one would naturally infer that the Marshfield farmer was well endowed with independence of character; and perhaps some of his descendants have inherited the same trait of character.

As I shall not again speak of the Plymouth Courthouse and its valuable and interesting documents of the early days of the Plymouth Colony I will here make brief mention of some of the more important of them; and such, also, as the readers of this serial will doubtless be more particularly desirous of hearing about. "Here—" I now quote from a little booklet issued many years ago by Messrs. Avery and Doten, of Plymouth—"is the plan of the plots of ground, first assigned for yearly use, which they called, in the tinge of the Dutch tongue they had acquired in

their long residence in Holland, 'meersteads.' Here are the simple and yet wise, rules—laws they can hardly yet be called —laid down for the government of the infant Colony. * * * Here is the will of Standish; the order establishing jury trial, in Governor Bradford's writing; the order for the first customs law; the division of cattle into lots, one cow being divided into thirteen lots. It was four years after the Landing before any domestic cattle were brought over, and in order to equalize them they were divided into lots, each family having one. It must have been a pretty nice affair to divide the milk of one cow among thirteen parties, to satisfy all.

"Here, also, is the original patent of the Company from the Earl of Warwick, granted in 1629, with its great wax seal engraved for the purpose, and the original box in which it came from England. Here are the signatures, also, of nearly as much interest as those of the Pilgrims themselves; the marks of the original proprietors of all these broad fields and forests, whose names are represented by signs of bows and tortoises, of reptiles and animals; the race which has wasted away before the incoming flood, the first ripple of which we are tracing, like the morning dew before the rays of the rising sun. Traces of them yet remain. Hardly a year passes but their bones or their implements are thrown up by the plow or the spade. In the south part of the town, and in the next town of Sandwich, a few of unmixed blood still survive, descendants of the original inhabitants who saw the white sails of the Mayflower rise from the distant horizon and bear across the bay.

"Here are the ancient deeds written in the Indian language, as put in form by Eliot and Mayo. The record clerk must have had his patience severely taxed when they were copied."

I have quoted thus fully, here and elsewhere, from local historians, because of the special authority with which they, as natives and life-long residents, are qualified to speak in the matters of which they treat; and because, also, of the additional interest which attaches to their words.



Court House, Plymouth, Mass.

CHAPTER V

We Linger in Old Plymouth

"They built on Truth's foundation strong
Where right is right, and wrong is wrong.
So freedom, laws, and peace abound
Wherever Pilgrim-seed is found."

Next in interest, perhaps, to Plymouth Rock, in old Plymouth, is Cole's Hill, just to the westward and southwestward of Plymouth Rock; indeed, Plymouth Rock is only a few feet to the eastward of the northerly end of Cole's Hill.

This hill, as it appeared to the little company of Pilgrims as they came on Monday, December 20th, 1620, from Clark's Isl and to make a landing at what is now Plymouth, is spoken of as "a steep, sandy cliff, the base of which is washed by the water * * * at its foot a great boulder, brought from some far away coast by glaciers, in some long ago."

This hill is now covered with grass, and from the waters of the harbor one would not at present imagine it was ever "a sandy cliff."

A long flight of stone steps now runs from the base of Cole's Hill to its summit; and several wooden settees now afford opportunity for resting to those who are weary and footsore from "seeing the town's sights." Here the tourist may sit and leisurely reflect upon the trying experiences of the Pilgrim Fathers during their first winter on "the rock-bound shore" of New England.

I have several times sat on one of the seats at the summit of this hill near the Plymouth Rock House, and on the front veranda of this once popular hotel, and looked dreamily out to the eastward, and pictured to myself the Mayflower with her precious human freight making her way from Provincetown; leaving the Gurnet (with its present twin lighthouses) and Saquish and Clark's Island on the right; passing the northerly point of Plymouth Beach, and, turning to the southward find safe anchorage in the harbor channel, where the vessel remained until

the following spring, or, until she returned to England. And one of the most touching and heroic incidents in connection with the return of the Mayflower to England is the fact that not one of the seventeen men who survived the famine and disease of the first winter spent in Plymouth improved the opportunity offered them to return to old England! These, and a hundred other incidents of the settlement of the Pilgrim Fathers in Plymouth come trooping through the mind as one sits and looks out seaward from Cole's Hill.

"On this hill"—and again I quote from Messrs. Avery and Doten—"were buried in that dark, sad winter, in which they (the Pilgrims) landed, half of their little band. The terrible tale is told concisely by the narrator (Mourt's Relation) already quoted. 'This month (March) thirteen of our number died. And in three months past dies half our company; the greatest part in the depth of winter, wanting houses and other comforts, being afflicted with the scurvy and other diseasess, which their long voyage and unaccommodate condition brought upon them; so as there die sometimes two or three a day. Of a hundred persons scarce fifty remaining; the living scarce able to bury the dead; the well not sufficient to tend the sick, there being, in their time of greatest distress, but six or seven, who spare no pains to help them.'

"They buried them on this hill, and levelled the graves, and in the spring following planted corn above them, that the Indians might not know the extent of their great loss.

"At four different times the remains have been discovered. In 1735, in a great rain, the water rushing down Middle Street to the Harbor, caused a deep gulley there, exposing human remains and washing them into the sea.

"In 1855, workmen engaged in digging trenches for the water works, found parts of five skeletons. The graves were in the roadway, about five rods south of the foot of Middle Street. One of the skulls was sent to a competent anatomist in Boston, and was pronounced to be of the Caucasian race.

"The remains were carefully gathered and placed in a metallic box, properly inscribed, and interred on Burial Hill, subse-

quently being deposited in the chamber of the Canopy over the Rock, at its completion in the year 1867.

"Again, on the 8th of October, 1883, during repairs on the hill, other remains were found, which were carefully removed and afterwards, on the 20th of November, enclosed in a lead box and reinterred on the precise spot of their original burial. Directly over the grave a granite slab has been placed by order of the town, bearing an appropriate inscription.

"On the 27th of November, 1883, others still were found, which lie undisturbed near the last, and their exact resting place is designated on the memorial slab above mentioned.

"Cole's Hill has other histories, also. From the first days, its position over and commanding the harbor led to its being selected as a place of defence. In 1742 the General Court granted a sum of money to the town to erect a battery there.

"In 1775, the old defence having gone to decay, a new one was built and manned, and continued to be kept up during the war.

"In 1814 still another fort was thrown up here, and placed in charge of companies of soldiers, stationed in the town.

"The side of the hill facing the Rock was formerly covered with old and unsightly buildings, as for many years the town near the water was a favorite place for building. Some years ago the Pilgrim Society began to purchase these lots and tear down the buildings, until now the whole face of the hill to Middle Street is graded and grassed over, presenting a fine, green slope, and adding very much to the beauty of the locality."

If the visitor to old Plymouth wishes to get a view of the surrounding region, the visual recollection of which will linger with him as "a thing of beauty and a joy" for many a day afterward, let him ascend to the summit of Burial Hill, or Fort Hill, as it is also called, by way of the long, sectional flight of wide stone steps leading from its base near the Congregational Unitarian and Congregational Trinitarian Churches.

Below the visitor, as he stands on the summit of Burial Hill, lies the town, whose churches and other public buildings are conspicuous objects.

In front, or to the eastward, lies the harbor; the long, narrow

beach, now known as Plymouth Beach, which serves as a natural breakwater to vessels anchored in the snug harbor, and, beyond the glistening sand of the beach the shimmering waters of Cape Cod Bay extending as far seaward as the unaided eye can reach.

To the left, or northward, lies Kingston Bay; Captain's Hill and the famous Standish Monument and Duxbury village; and a little to the eastward of the places mentioned, Clark's Island, named after John Clark, first mate of the Mayflower; Saquish, an Indian word signifying abundance of clams and the Gurnet which is said to derive its name from a similar promontory in the English Channel, near Plymouth, England, may be seen.

To the right, or southward, lies Town Brook from which the Pilgrims procured water for drinking and culinary purposes; the hill over which the Indian Chief, Massasoit, and his sachems and braves came for an interview with Captain Miles Standish and other militant Pilgrims, and, a little to the eastward lie Manomet Bluffs along which the shallop from the Mayflower felt its way while out in search of a landing place for the Pilgrim Fathers.

The foregoing is, of course, but a mere suggestion of the numerous points of historic interest which lie within the scope of the visitor's eye as he stands on the summit of Burial Hill; and the prospective visitor to the early home of the Pilgrim Fathers is recommended to avail himself of the fine view afforded, and to endeavor to do so when the ocean tide is in.

But of far greater interest to the visitor to old Plymouth, whose fondness for our early national history has drawn him thither, than the magnificent view above mentioned, is the hill itself, on whose summit he stands and, with eager eyes sweeps the horizon northward, eastward and southward.

To the left of the pathway leading from the top of the long flight of stone steps by which the visitor ascends to the summit of Burial Hill, and near the Cushman monument, may be seen the marker (a marble tablet) of the site of the fort erected by the Pilgrim Fathers soon after their landing at what they named Plymouth in commemoration of the place of final embarkation from old England. This fort was erected for protection against any enemies who might annoy the Pilgrims

In his description of what he calls "New Plymouth," Isaac R De Rasieres, an officer from the Dutch Colony of New Netherlands, now New York, after a visit to the new settlement in 1637, says, with regard to the fort alluded to: "Upon the hill they have a large square house with a flat roof made of thick sawn planks stayed with oak beams, upon the top of which they have six cannon which shoot iron balls of four and five pounds and command the surrounding country. The lower part they use for their church, where they preach on Sundays and the usual holidays."

The worshippers, so historians inform us, went armed to church, or meeting, as it was then called, and were constantly on the alert for the approach of any enemies.

The selection of the site for the erection of this fort may almost certainly be credited to the sagacity of Captain Miles Standish, whose active service as a soldier in Europe he was turning to a good account on behalf of those who could pray more effectively than they could fortify for defence against hostile Indians.

It is said that traces of this old fort have been seen within a few years, especially at the easterly corner of the square structure.

The cannon mounted on the flat roof of this fort commanded First Street, now Leyden, to the water's edge near Plymouth Rock.

A little to the northward of the site of the old fort just mentioned is the site of the brick watch tower erected in 1643, now marked by a small oval stone set on a standard, and suitably inscribed.

This tower was built of brick purchased of a Mr. Grimes at eleven shillings per thousand. It enabled the Pilgrims to keep a strict watch of the movements of any hostile natives in their attempt to approach the infant settlement; and is said to have been erected as a result of the Indian threatenings preceding the Narragansett war.

The colony being threatened by the Narragansetts, Governor Bradford says: "they agreed to inclose their dwellings with a good strong pale, and made flankers in convenient places, with

gates to shute, which were every night locked and a watch kept and when need required ther was also warding in ye day time. And ye company was by ye Captaine and ye Govr advise, devided into 4 squadrons, and every one had ther quarter apoynted them, unto which they were to repaire upon any sudden alarme. This was accomplished very cherfully, and ye town impayled round by ye beginning of March, in which every family had a prety garden plote secured."

It was my good fortune to have as a guide over Burial Hill a young man, the son of one of Plymouth's lawyers. After examinning, under the direction of my efficient guide, several of the older headstones and their quaint epitaphs, he took me to the site of the brick watch tower. Taking from one of his pockets a good sized jackknife, and opening the larger blade, he stooped down and dug from the ground twenty or more pieces of soft red brick, varying in size from that of a small filbert to that of an English walnut. Handing the pieces of brick to me he remarked: "These pieces of brick were a portion of the old brick watch tower erected by the Pilgrims in 1643."

The pieces of brick dug from the ground by my guide, and presented by him to me, save a few pieces I have given to appreciative friends, I now have among my modest collection of souvenirs at home.

In 1676, which was during the period of King Philip's war, Nathaniel Southworth was authorized by the town of Plymouth to construct a "watch house," which was "to be sixteen feet in length, twelve feet in breadth, and eight feet stud, to be walled with boards, and to have two floors, the upper floor to be six feet above the tower, to batten the walls and make a small pair of stairs in it, the roof to be covered with shingles, and a chimney to be built in it. For the said work he is to have eight pounds, either in money or other pay equivalent."

On the top of palisades built around the watch house of 1676 three cannon were mounted for repelling Indian attacks.

The fort on the hill overlooking the prospective Pilgrim settlement completed, a street, leading from the water's edge near Plymouth Rock up to the summit of the hill, was laid out, the original name of which was First Street, and later it was called

Great Street and sometimes Broad Street; it is now known as Leyden Street, and it has, by no means, lost, in appearance, all its original quaintness.

The first building erected by the Pilgrims after the completion of the fort on the hill was known as the Common House, which seems to have been used as a storehouse, and it may also have been utilized as a dwelling house by a portion, at least, of the Pilgrims, while the dwelling houses were in course of construction. The Common House stood on the south side of First Street, nearly down to the water's edge, not far from Plymouth Rock. In the Common House, Robert Cushman, so it is said by some historians, preached the first sermon delivered in New England; this was soon after this house was completed, which was during the winter of 1620-21.

The dwelling houses, eleven in number, were built, seven on the south side of the street and four on the north side, as follows: On the south side, beginning next to the Common House, they were occupied as follows: Peter Brown, John Goodman, William Brewster, John Billington, Isaack Allerton, Francis Cooke, Edward Winslow; and on the north side they were occupied as follows: Samuel Fuller, John Howland, Stephen Hopkins, Governor William Bradford.

Each dwelling house had a good sized garden plot in connection with it which was surrounded with a stockade for protection against sudden attack. In addition to the stockade around the house of Governor Bradford, cannon were mounted at the corners of the stockade.

De Rasieres, already quoted, who visited Plymouth in 1637, says of the settlement: "New Plymouth lies on the slope of a hill stretching east towards the sea coast, with a broad street about a cannon shot of eight hundred (yards) long leading down the hill, with a (street) crossing in the middle southwards to the rivulet and northward to the land. The houses are constructed of hewn planks, with gardens also enclosed behind, and the sides with hewn planks, so that their houses and court yards are arranged in very good order, with a stockade against a sudden attack, and at the ends of the streets there are three wooden gates. In the centre on the cross street stands the Governor's house,

before which is a square enclosure upon which four pateros (steen stucken) are mounted so as to flank along the streets."

Inasmuch as an article like this a complete and detailed account of the early settlement of the Pilgrims at Plymouth would be out of place the reader is referred to some good history of the place for further particulars.

CHAPTER VI

Our Sojourn in Old Plymouth Drawing to a Close

"And still from age to age endure
The fruits of faith and love so pure.
Like drops of iron in the blood,
They onward flow a precious flood."

No visitor to old Plymouth should omit spending an hour, at least, in Pilgrim Hall, the repository of many rare relics of early colonial days and later. Among these interesting relics, for only a few can be here specified, are the cradle in which Peregrine White, the first child born to the Pilgrims after the arrival of the Mayflower at "Cape Codd," was rocked; a chair used by Governor Carver, the first governor of the Plymouth Colony, who died soon after the landing of the Pilgrims; a model of the ship Mayflower; a Bible owned by John Alden which was printed in 1620; a sword owned and used by Captain Miles Standish, on one side of the blade of which is an inscription, in the Arabic language, which translated into English, reads: "With peace God ruled his slaves and with judgment of his arm he gave trouble to the valiant of the mighty or courageous"—or wicked. On the reverse side of the sword are two inscriptions; a part of one of these inscriptions is said to read: "In God is all might." All three inscriptions are said to have been engraved by the Mohammedans. The sword is said to have been made of meteoric iron —iron ore which fell to the earth in a metoric shower. "It was believed by them (the Arabs) that the virtue of the metal would strengthen them against the fatigue of the muscles, and charm their lives from the attack and thrust of the enemy." This sword was presented to the Pilgrim Society by one of the Standish heirs in 1824.

Beside the Standish sword there may be seen at Pilgrim Hall a box containing relics found among the ruins of the house of Miles Standish, in Duxbury; a piece of the hearthstone of the house of Miles Standish, in Duxbury; an iron pot and pewter plates brought over in the Mayflower by Miles Standish; a piece of embroidery in worsted or silk letters worked on thin canvas, the handiwork of Lorea Standish, the daughter of the Captain, consisting of several lines of poetry, as follows: "Lord guide my heart that I may doe thy will. Also fill my hands with such convenient skill, as may conduce to virtue void of shame, and I will give the glory to thy name."

Many large and well executed oil paintings, depicting various scenes and incidents in connection with the departure of the Pilgrims from the old country and with their arrival in this country, adorn the walls of the rooms of Pilgrim Hall, and are highly suggestive and instructive. Nor should I omit mentioning the numerous life-size portraits in oil of men of more recent years, men who have left their impress upon our national history and whose names occupy prominent places upon the pages thereof. Of these portraits I will only mention those of Daniel Webster, the eminent American statesman; Alexander H. Rice, once governor of the Old Bay State; General Joseph Trumbull, first Speaker of the House of Representatives, at Washington, D. C.; and Joshua Thomas, the first President of the Pilgrim Society, of Plymouth.

In the glass show cases arranged about the rooms may be seen numerous articles of great interest. I was somewhat startled while examining the contents of one of these cases to see the original deed of a piece of land given by my paternal ancestor, William Sherman, to his son Samuel, dated June 9, 1673. Of this deed I have a copy, furnished by the officials of the Pilgrim Society, of Plymouth, Mass. The deed begins as follows: "To all people to whom these presents shall come. William Sherman Senr. of the Towne of Marshfield, in the jurisdiction of New Plymouth in New England in America, yeoman sendeth greeting, And further know you That I the above sayd William Sherman out of my singular good affection to my natural sone Samuel Sherman of the sayd Towne of Marshfield in the jurisdiction of

New Plymouth afore sayd, Have given, and granted, and by these presents doe fully, freely, clerly, and absolutely give and grant unto my sd sone Samuell and unto his heirs forever a certayne tract or portion of Lande and medowe, being a part of those lands whereon I now dwell in the Towne of Marshfield aforesayd, (viz) of my upland twenty poales in breadth on the southerly side of my sd Lott, beginning at the northerly bounds of the lott of Thomas Dogget, and at my southerly bounds, being the same particularly known at the foote or Easterly eynd of our lands at a Rock which is between the medow, and a swamp on the upland, And soe for breadth to run Northerly Twenty poales into my Lott, and in length to run from the medowe westward the wholl length of my lands, both of my first purchase, and also of my later additional grant from the above sd towne, together with the one-halfe or moyety of the Marsh and medow land apertayneing to my sayd lot (viz) the southerly part or side also of my marsh and medow by equall and just division or measure; All the above mentioned Lands, both upland and medow or marsh together with all the woods, waters, and all, and all manner of proffits privileges, benefits, Emoluments and munities from thense arising and acruing or therunto any way aptertayne ing or belonging; I the above sayd William Sherman Senr. have and by these presents doe fully, freely, clearly, and absolutely, Give, Grant, bargen confirm and pass over from myself and all other my heirs forever unto my sayd Sone Samuell Sherman and his heirs forever, etc."

This deed, about one-third of which is given above, was "signed, sealed and delivered in presence of Peregrine White and Francis Crooker," and was acknowledged before Governor Josiah Winslow.

It may be of interest to the readers of this book to know that the author of this serial has copies of two other deeds given by his paternal ancestor, William Sherman, one, of land given to his son, John Sherman, on February 5, 1673, and the other of land given to his son, William, Jr., on August 15, 1676; both of these deeds were "signed sealed and delivered in the presents of John Doged (Dogget) and Samuell Sprague," and were both acknowledged before Governor Josiah Winslow.

The two last mentioned deeds were copied from the Plymouth County Records.

On the left of the outer entrance to Pilgrim Hall may be seen an ornamental iron fence surrounding a stone slab bearing the words of the Compact made in the cabin of the Mayflower on the 11th of November, 1620, while the vessel lay off "Cape Codd;" and on the fence may be seen the names of the forty-one Pilgrims who affixed their signatures to this important document, and thus laid the broad foundation of the great Republic whose inestimable blessings we, of the Twentieth Century, enjoy.

I would gladly linger longer around Pilgrim Hall but for the fear of wearying my readers; I will, therefore, bid adieu to it and will express the hope that not a few of my readers who have not already done so, may, in the not distant future visit old Plymouth and see for themselves the home of the Pilgrim Fathers and the collection of interesting relics preserved in Pilgrim Hall.

While in old Plymouth a few years ago my brother and I attended the morning service at the Congregational Unitarian Church. We were drawn to this particular place of worship on the occasion mentioned by the previous anouncement that Professor William Everett, of Harvard University, was to conduct the service. Professor Everett, as all my readers may not be aware, was the son of the Hon. Edward Everett, the brilliant New England orator, whose masterly oration on Washington it was once my great privilege to hear; and the recollection of the tumbler of water on the pulpit desk before him in which he gracefully dipped the index finger of his right hand and permitted the water adhering to it to drop back into the tumbler, as an illustration of the purity of character of the "Father of his Country," is ineffaceably impressed upon my mind.

The glowing commendations we had heard of the stained glass windows which adorn and beautify the church above mentioned were another attraction to us.

Among the stained glass windows in this church is one in the rear of the pulpit representing the signing of the Compact in the cabin of the Mayflower, by the Pilgrim Fathers, while the vessel lay off "Cape Codd," before her arrival at Plymouth. Through an open hatchway overhead the light can be seen

streaming in upon the signers, lighting up the page upon which their names were being solemnly written. The colors of this window are superb; the perspective is perfect, and the entire effect of the truly artistic picture is such that I do not hesitate in pronouncing it one of the finest stained glass windows I have ever beheld.

The èlite of old Plymouth seemed to be present on that Sunday morning. The preliminary exercises were, to me, unusually impressive, and were supplemented by the rich furnishings and subdued light of the beautiful interior of the edifice.

The preacher had his discourse written in full. The manuscript he held in his left hand almost on a level with his eyes. With his free right hand he gesticulated in a most significant manner. The eloquence of Professor Everett in the delivery of his most excellent discourse "knocked into a cocked hat" the popular opinion that extemporaneous preaching, so-called, is the most effective style of delivery. My recollection of the eloquence of the Boston preacher on the occasion referred to is still vivid. The speaker has since passed away.

During our visit to old Plymouth in September, 1911, my brother and I attended the morning service at the Congregational Trinitarian Church, known as the "Church of the Pilgrimage." This plain church edifice is supposed to occupy a portion of the land once owned and occupied by Governor William Bradford in the earliest days of the Plymouth Colony. The interior of this edifice is severely plain and hence in marked contrast with that of the Congregational Unitarian Church edifice. The excess, indeed, I may say, glare of light in the Trinitarian Church, is not, in my opinion, conducive to that quietness of spirt which ministers to the worshipful frame of mind. The pastor of this church was the Rev. W. W. Dornan, D. D. The preliminary exercises were helpful and the sermon was thoroughly "evangelical." At the close of the service I was introduced to the pastor, who invited me to preach for him in the evening, but for good and sufficient reasons I declined the invitation so courteously extended to me. Under ordinary circumstances it would have been a peculiar pleasure to me to occupy the pulpit of this church in old Plymouth.

Since our return from old Plymouth I have read in one of the New York dailies that the Rev. Mr. Dornan has recently delivered a lecture in his church in which he demolished, to his own satisfaction, at least, some of the long revered traditions of the colonial days. To an interviewer Mr. Dornan is reported to have said: "One of the beautiful romances in tradition is that which has been immortalized by Longfellow in the poem 'The Courtship of Miles Standish.' There is no history to confirm the thought that Standish ever thought of the beautiful pilgrim maiden. If he ever thought of marrying again after the death of his wife Rose, his thought went out to England to a sister of Rose, who dwelt there. John Alden courted Priscilla, but while he did he was not speaking for the 'doughty warrior,' but was in reality speaking for himself. It was all a pretty theory worked out by our beloved poet, but there is nothing in it."

From the booklet published in 1895 by Messrs. Avery and Doten the following is quoted by way of an explanation of the true relation between the Congregational Unitarian and Congregational Trinitarian Churches, of old Plymouth, referred to above: "On the corner of Main Street is a large building, built in 1876 by Mayflower Lodge, I. O. O. F. * * * This building covers the spot on which stood the house of William Bradford, so many years the Pilgrim Governor. Above this is the Congregationalist 'Church of the Pilgrimage,' built in 1840, standing, it is believed, on the exact locality of the first meeting house. * * * At the head of the square is the church of the First Parish, the original church of the Pilgrims. It is now of the Unitarian denomination. The present church, an imitation of the Gothic, was built in 1830. The first 'meeting house,' as the Pilgrims called them, to distinguish them from the houses of worship of the established church, has been proved, by the investigations of W. T. Davis, to have stood on the north side of the square, near the spot occupied by the tower of Odd Fellows' Hall and the store of Hatch and Shaw. Of this we know but little, except that it was erected in 1638 (the Forefathers before that time worshipping in the fort on the hill), and had a bell. In 1683 a new building was erected, not on the same lot, but farther out at the head of the square. This was forty five by forty feet, six-

teen feet in the walls, had a gothic roof, diamond window glass and a bell. In 1774 still another church was built, on or near the same site. This remained until the present one was built, which stands farther up the hill than the previous ones.

Thus, to briefly state the case, the edifice of the "Church of the Pilgrimage," Congregational Trinitarian, occupies the site, approximately, of the original "meeting house" erected by the Pilgrims in 1638; but the original church organization now worships in the Congregational Unitarian Church edifice on the opposite side of Town Square.

I will not fail to mention the uniform courtesy extended to my brother and me by the members of Collingwood Post, No. 76, Department of Massachusetts, Grand Army of the Republic, during our sojourn in old Plymouth. Because of our membership in posts of the Grand Army of the Republic in the "Nutmeg State" and in New Jersey, the key to the post rooms was placed at our disposal, so that we had free access to them at all hours. At the rooms we met and conversed with several of the Comrades, whose hospitality was especially appreciated because of the inclement weather which necessitated much indoor occupation. In the comfortable post rooms, episodes, incidents and experiences of the Civil War in which we bore a part half a century ago, were freely exchanged. Among the interesting features of the post room furnishings is a large wooden mortar in the center of the hall which can be so adjusted as to be used as an altar in connection with the post meetings.

One of the members of Collingwood Post, No. 76, recently deceased, was Comrade Winslow Brewster Standish, a lineal descendant of Captain Miles Standish of colonial days, between whom and his famous ancestor it is said there was a striking resemblance. For many years before his decease Comrade Winslow Brewster Standish kept an antique store in old Plymouth, known far and wide as "The Olde Curiosity Shop," and perhaps some of the readers of this book who have visited the early home of the Pilgrim Fathers have patronized his place of business.

Comrade Standish, a few years before his decease, posed for one of the figures now to be seen on the monument in old Plymouth, erected to perpetuate the memory of the Pilgrim Fathers.

While in old Plymouth I was informed that preparations are already on foot for a suitable celebration, in the year 1920, of the three hundredth anniversary of the landing of the Pilgrim Fathers, and the establishment of this great republic in the humble cabin of the Mayflower. It is a celebration toward which every true American should look with deep interest.

I beg to assure my readers that it is not "pride of ancestry" that moves me to mention what is to follow, but rather the thought that its mention may be a matter of interest, and perhaps, of pleasure, to them; and with these words of introduction I proceed to say, that I have the duly attested credentials to show that through my paternal grandmother, a native and lifelong resident of Marshfield, whose maiden name was Mitchell, I am descended from Edward Doty, John Alden and Priscilla Mullin; and from my great grandfather, Ebenezer Sherman, who married a Simmons, I am also descended from Captain Miles Standish. Doty, Alden, Mullins and Standish were among the "emigrants" from Old England in the year 1630.

For reasons which I will not now mention I have never, however, joined any of the societies, such as the Mayflower Descendants. I cannot and will not deny that the thought of having the ancestry above mentioned is a pleasing one; but I am "fully persuaded" that "every tub should stand on its own bottom," and I am trying to cultivate that species of manly independence, instead of "clinging to the skirts" of my ancestors.

Realizing that I may have been only tantalizingly brief in my reference to old Plymouth, Massachusetts, but hoping I have said enough to create a desire in the hearts of some, at least, of my readers, to visit for themselves this quaintly interesting town, I will close this chapter with the following concise tribute to our forefathers:

"From seed they sowed with weeping,
Our richer harvests rise,
We still the fruits are reaping
Of Pilgrim enterprise.
Then grateful we to them will pay
The debt of fame we owe,
Who planted here the tree of life
So many years ago."

CHAPTER VII

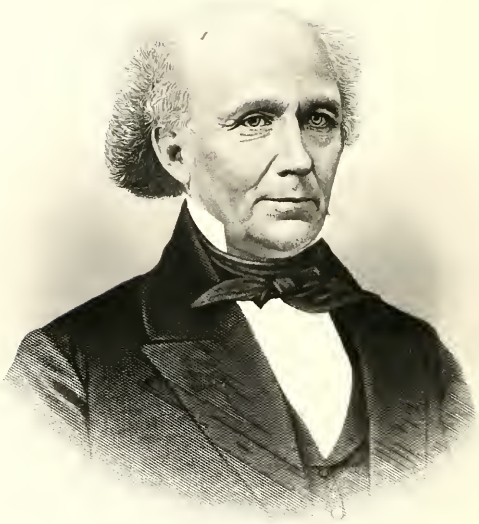
En Route to Marshfield Hills, Mass.

"And everywhere New England's name
Is fragrant with the Pilgrim's fame.
A mighty power to guard and save
Still issues from each honored grave."

Our delightful visit in old Plymouth concluded we took an early morning train for Marshfield Hills (formerly East Marshfield), one of the eight villages, each with its postoffice, in Marshfield township, which township is the third to the northward of Plymouth in the direction of the "hub."

The extensive rope manufactory of the Plymouth Cordage Company with its many buildings of various dimensions and styles in the northern outskirts of Plymouth is conspicuous as one passes it on the steam cars. This rope manufactory is said to be the largest in this country, if not in the world. The numerous substantial modern dwelling houses contiguous to the rope plant occupied by the employes form a village of considerable size. In this manufactory, established nearly a century ago, where the rope was for many years made by hand (but now by machinery), ropes of various sizes are made, from "lines smaller than a lead pencil to immense cables fit to hold the largest ships in the severest gales." It is, perhaps, superfluous to say that this rope manufactory with its hundreds of employes contributes liberally to the material prosperity of old Plymouth.

In passing through Kingston, formerly Kingstown, the next township to the northward of Plymouth, one is impressed by its ancient and decidedly sleepy appearance; and a lively imagination can see the early inhabitants in their broad brim and high crown Pilgrim hats treading with measured and dignified steps its irregular streets and lanes.



(Dr) J. M. Bemhisel



DR. JOHN M. BERNHISEL
UTAH'S FIRST DELEGATE TO CONGRESS

Brigham Young on Dr. Bernhisel: "I express my entire satisfaction with the course and labors of Dr. Bernhisel. Said he was a man of stirling integrity, firm in his faith, punctual, fervent, industrious, and so kind and gentlemanly, no man dared to insult him." Ms., Hist. Brigham Young, 17th, June, 1855, p. 67.

History of the Mormon Church

By Brigham H. Roberts, Assistant Historian of the Church

CHAPTER LXXX

The Territory of Utah and the Church

THE history of the Church of the Latter-day Saints is inseparably associated with the history of the territory of Utah. Hence the history of the one must largely include the history of the other. In the treatment of the incidents that go to the making of that dual history certain principles, that deserve to be regarded as essentially American, must be presented and held constantly in view, else there will be no right understanding had of those things that are to be considered.

Among the things thus to be held in consciousness is the American principle of the right of local self-government. This right is inherent in the doctrine that governments derive their just powers from the consent of the governed. The declaration of the ability of people for self-government, holds within it the implied right of local self-government, which one may say, so largely enters into the American system. Hence the delegation of part of the sovereign power of the people to the national government and to the states respectively; with the residue of power granted neither to the nation nor to the states, but reserved to the people. The powers granted to the nation are exercised in affairs purely national; the powers granted to the states respectively are employed in affairs pertaining to a state —a concession to the right of local self government. And in order that government in its practical administration may be exercised as nearly as possible by the people of a vicinage, municipal and county governments obtain. Not that sovereignty

belongs to municipal or county governments; for over the county and township governments the state exercises a general supervision; "indeed it clothes them with their authority."[1] Government that exists by the consent of the governed and bears directly upon the citizen, to be of first rate value to him, must be local government, as surely as trial by jury, to be of real value in the preservation of liberty, must be a jury of one's peers and of the vicinage; so that, in the latter case, one accused of crime may rest assured that he will be tried by men who will view the facts which go to the making up of his alleged crime in harmony with the conceptions and ideals that obtain in the community where the accused lives and in which the alleged offense was committed: so, also, the value and purpose of local self-government is that its administration may be in harmony with local conceptions of rights and duties; and also that government may be administered by a system "under which the greatest number of minds knowing the most, and having the fullest opportunities of knowing it, about the special matter in hand, and having the greatest interest in its well working, have the management of it or control over it."[2]

As it was the violations of the right of local self-government which went so far in making up the long list of grievances of the American colonies against the imperial government of Great Britain,[3] so, for well nigh half a century, did violations of the

1. "Civil Government in the United States." Fiske, pp. 191-2.

2. Toulmin Smith's "Local Self Government and Centralization," London, 1851, p. 12. Quoted with approval by Fiske, as a definition of local self-government. See Civil Government in the U. S., p. 302. Fiske also quotes our author's definition of "centralization," as follows: "Centralization is that system of government under which the smallest number of minds, and those knowing the least, and bearing the fewest opportunities of knowing it, about the special matter in hand, and having the smallest interest in its well-working, have the management of it, or control over it."

3. To prove which, let the facts, condensed from the Declaration of Independence, be submitted:

The king of Great Britain has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance.

He has refused to pass other laws for the accommodation of large districts of people, unless they would relinquish the right of representation in the legislature.

He has called together legislative bodies at places unusual, uncomfortable and distant from the depository of their public records.

He has dissolved representative houses repeatedly. He has refused for a long time to cause others to be elected.

right of local self-government in the case of Utah constitute the chief source of the trouble between the people of the territory and the government of the United States.

Of the alternative propostions presented by the Salt Lake colonists to congress, the ratification of the provisional state government formed by them, or the creation of a territorial government, congress acted upon the second. The organic act which created the territory was approved on the 9th of September, 1850. A full set of territorial officers was shortly afterwards[4] appointed by President Fillmore, with the advice and consent of the senate of which the following is the list

Governor, Brigham Young, of Utah; *Secretary,* Broughton D. Harris, of Vermont; *Chief Justice,* Joseph Buffington, of Pennsylvania; *Associate Justices,* Perry E. Brocchus, of Alabama; Zerubbabel Snow, of Ohio, a Mormon; *U. S. Attorney,* Seth M. Blair, of Utah; *U. S. Marshal,* Joseph L. Heywood, of Utah.

Brigham Young was also appointed Indian agent for the Territory, and Stephen B. Rose and Henry R. Day sub-Indian agents; the sub-agents were not residents of Utah, nor Mormons. The four officers in the above list whose residence is given as Utah and Ohio, were members of the Church of the Latter-day Saints; the other three were non-Mormons. Joseph Buffington, however, refused to serve, and Lemuel H. Brandebury, of Pennsylvania, was appointed chief justice in his place. The news of these appointments reached Salt Lake City on the

He has obstructed the administration of justice by refusing to give his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone for the tenure of their office.

He has erected a multitude of new officers, and sent hither swarms of officers to harass the people.

He has kept among us, in times of peace, standing armies without the consent of our legislature.

He has affected to render the military independent of and superior to the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution.

He imposed taxes upon them without their consent.

He deprived them, in many cases, of the benefits of trial by jury.

He transported them beyond seas to be tried for pretended offences

He suspended their own legislatures and declared the British parliament invested with power to legislate for the colonies in all cases whatsoever.

4. The date of the appointments is given as the 20th of September by Bancroft (Hist. of Utah, p 436). As the 28th of September in Rocky Mountain Saints, p. 274. Bernhisel under date of Oct. 3rd, 1850, in a letter to F. Snow, announces the accompanying list, hence the appointment was made previous to that date. *Mill. Star,* Vol. XII, p 339.

27th of January, 1850; and on the 3rd of February following, Brigham Young qualified by taking the oath of office as governor of Utah, before Daniel H. Wells, chief justice of the state of Deseret.[5] The list of the appointments was contained in the New York *Tribune* of the 11th of October, which reached Salt Lake on the above date; and it was upon that information that Governor Young proceeded. Joseph L. Heywood, appointed to be U. S. marshal, was the first to receive this commission, which came in April, and he at once filed his bond with the secretary of state of Deseret, ready to be delivered to the secretary of the Territory, when the latter officer should arrive, and immediately entered upon the duties of his office.[6] The other officers were absent from the territory, but arrived on the following dates: Chief Justice Brandebury on the 7th of June; Judge Snow, Secretary Broughton D. Harris, Stephen B. Rose, and Henry R. Day, the last two the sub-Indian agents for the territory, on the 19th of July;[7] and Judge Brocchus on the 17th of August.[8] With the officers who arrived on the 19th of July came also Almon W. Babbitt, who had been entrusted with $20,000 appropriated by Congress for the erection of suitable public buildings at the seat of government; and Dr. Bernhisel, who had been appointed by President Fillmore to purchase a library for Utah, for which purpose congress had appropriated $5,000. Secretary Harris also brought with him the $24,000 congress had appropriated for the expenses of the legislature.

The organic act creating the territory required that the governor should "cause a census or enumeration of the inhabitants of the several counties and districts of the territory to be taken," and the first election to be "held at such time and places, and be conducted in such manner, as the governor shall appoint and direct." Governor Young learning from the eastern mail in November, 1850, that he had been appointed to take a "census of Deseret,"[9] notwithstanding the non-arrival of instructions

5. Hist. Brigham Young Ms., January and February entries, for 1851, pp. 6-7.
6. *Deseret News,* for 19th April, 1851, p. 244.
7. Hist. of Brigham Young Ms., entry for July, 1851, pp. 55. The party which included Dr. J. M. Bernhisel and Almon W. Babbitt, were detained by high water at the Elk Horn. Id.
8. Hist. Brigham Young Ms., 1851, p. 59. See also Congressional Globe, First session of 32nd Congress, Appendix, new series, Vol. XXV, p. 84, *et seq.*
9. "And Willard Richards, Post Master, Salt Lake City," Hist. Brigham Young *Ms.,* p. 117; and *Deseret News,* of Nov. 30, 1850.

and blanks, proceeded to do so, instructing his "assistants to make out two sets of returns, one for the United States as census agent for Deseret, and one for Utah."[10] This work in the Governor's judgment was sufficiently advanced early in July to warrant his issuing a proclamation apportioning the representation of the several counties in the territorial legislative assembly, and fixing upon the first Monday in August as the time of the election.[11]

All this was done before the arrival of the secretary of the territory and therefore without his seal and signature to any of the documents of the several acts of procedure, and technically not strictly in legal order. Governor Young's justification for proceeding in these preliminary steps in the inauguration of the territorial regime was that the election of a delegate to Congress might be held in time to admit of his departure for Washington "before the lateness of the season would render the long and arduous journey dangerous, if not impracticable."[12] He also calls attention to the fact that although the secretary, with

10. See Report of Governor Young to President Fillmore, Congressional Globe, First session of 32nd Congress, new series, Vol. XXV, p. 91. The Organic Act did not require a full census, but only "an enumeration of the inhabitants." Id. The non-arrival of instructions and blanks, etc., the Governor attributes to a "total miscarriage" of them. *Id.* Later we shall see that the U. S. officials of the territory who left their posts in Utah reported that there had been no satisfactory census of the territory taken up to the time of their arrival; upon which point Brigham Young in March, 1852, records the following in his journal—Ms.—history: "Mr. Kennedy, Superintendent of the 7th census, having on two different occasions expressed himself much pleased with the manner and accuracy with which I had taken the census of our territory, and the returned officers having denied in their report that the census was taken at all, Mr. Kennedy wrote to our delegate a very satisfactory letter upon the subject." (Hist. Brigham Young Ms. entry for March, 1852, p. 32.)

11. The Proclamation is published in full in *Deseret News* of July 12th, 1851. The election was to be conducted "in accordance with the existing laws of the provisional government of the state of Deseret regulating elections," passed by the general assembly of that state in 1849. There were to be 13 councilors and 26 representatives apportioned as follows: Salt Lake county, 6 councilors and 13 representatives; Weber county, 2 councilors and 3 representatives; Davis county, 1 councilor, 3 representatives; Toole county, 1 represenative; Utah county, 2 councilors and 3 representatives; Sanpete county, 1 councilor and 2 representatives; Iron county, 1 councilor and 2 representatives. At the same time and place the delegate to congress was to be chosen. The day of the election was appointed on the same day that county and precinct officers were to be elected under the law of the state of *Deseret*, and the people were urged to elect these offiers as usual. *Deseret News* for July 12th, 1851.

12. "Hence my anxiety," he adds, "to proceed with as little delay as possible in obtaining the enumeration of the inhabitants, preparatory to apportioning the members of the council and house of representatives to be elected from each." Report of Governor Young to President Fillmore, Congressional Globe, new series, Vol. XXV, p. 91.

the other territorial officers had been appointed in the fall of 1850, they did not make their appearance in Utah until nearly one year afterwards;[13] and when it is remembered that the colonists of Deseret had been without any recognized government since their arrival in Salt Lake valley, four years before, it is not matter for wonderment if they manifested some impatience for the inauguration of the government now authorized by congress and the administration.

On the arrival of the sub-Indian agents Governor Young by proclamation divided the territory into three agencies: the first to be known as the "Parvan Agency," to include all the territory "west of the Shoshone [Indian] nation, and north of the Parvan valley;"[14] the second to be known as the "Unita Agency," to include all the Snake or Shoshones, the Unita, Yampa and other tribes south within said territory, and east of the eastern rim of the Great Basin;[15] the third to be known as the "Parowan Agency," to include all the country lying west of the eastern rim of the Great Basin, and south of the south line of the Parvan valley to the western bounds of the territory.[16] The two sub-agents having arrived on the 19th of July, the above divisions of the territory into agencies was announced by proclamation of Governor Young on the 21st. Henry R. Day was appointed to the Parvan Agency; and Stephen B. Rose to the Unita Agency.[17]

With nearly equal promptness the governor announced the judicial districts of the territory. Chief Justice Brandebury had been in Salt Lake City since early in June. The arrival of Judge Snow on the 19th of July made a majority of the judiciary present in the territory, and on the 8th of August Governor Young issued a proclamation dividing the territory into three judicial districts, and appointing the judges as follows: The first district comprised Salt Lake and Tooele counties and the

13. *Ibid.*

14. This would include the present counties of Millard, the western part, at least, of Juab, Tooele, and Box Elder; and much of the territory of the present state of Nevada.

15. This was practically the eastern half of the Territory which then included the western half of the present state of Colorado.

16. This would include the southwest portion of the present state of Utah and much of the southern part of the present state of Nevada.

17. *Deseret News* of July 26, 1851, from Proclamation *in extenso.*

adjacent territory east and west to the boundaries of the territory including Bridger precinct; this district was assigned to Judge Brandebury. The second district comprised Weber and Davis counties and the adjacent territory east and west, and north to the boundaries of the territory, to which Judge Snow was assigned. The third district comprised Utah, Sanpete, and Iron counties, and the adjacent territory east and west, and south to the boundaries of the territory, to which Judge Brocchus was assigned.[18] To the proclamation creating these districts and making these appointments the signature of the secretary of the territory was attached.[19]

The election of the members to the legislature, the delegate to congress, and the county and precinct officers, took place on the first Monday in August, and it would seem that the whole setting for the peaceful inauguration of the territorial government was completed. It was at this juncture, however, that the evil effects of violating the right of local self-government became apparent. In the very beginning of territorial government the clash came between the people of Utah and the officers not of the vicinage, men in no way in sympathy with the people among whom they had come to administer the law; but, on the contrary, utterly opposed to them in sentiment, in habits of thought, and in customs. Inasmuch as this first clash between the people of Utah and such United States officers contains all the elements that enter into many other such and subsequent conflicts, extending through nearly half a century, I think this an appropriate place to consider those elements, and it will obviate the necessity of referring to them later.

The Latter-day Saints themselves were a people of many grievances, and had many just causes of complaint,—as we have abundantly seen in previous chapters of this work—against the local communities in which they had lived, as also against the state governments of Missouri and Illinois; which governments had not only refused them the protection guaranteed by the constitutions and laws of those states, but the chief executives of both states, with other high state officials in each, had sided

18. For Proclamation, see *Deseret News*, Aug. 19th, 1851
19. See Proclamation in *Deseret News* of August 19, 1851.

with the tormentors of the Saints, made common cause with the mobs against them, and became factors in effecting their expulsion from the states named, and of their final expatriation from their country. To all this, notwithstanding the frequent appeals and petitions for redress of grievances made to it, the general government was a witness, but took no steps to rescue the Saints from the manifest injustice of mob violence, nor to interfere with the course of the state governments, either when they withheld the protection of constitutional provisions and the state laws, or gave their official sanctions to the procedure of mobs, on the sufficient plea of constitutional limitations to federal authority.

In nursing remembrance of these grievances, made vivid by the toils, and sufferings, and deaths incident to their exodus from the United States, and their subsequent settlement in the Great Basin, it is not to be marveled at if the Latter-day Saints sometimes spoke bitterly, even the wisest and best of them; and that they did not always, and perhaps not at all, make nice distinctions as to where responsibility began and ended for the injustice heaped upon them. The general government, seemingly, to them, was clothed with great and even sufficient power to prevent injustice in a state; or, failing in that, possessed of power to redress the injured of their grievances: then to remain inactive, and even refuse to exert its supposed authority when appealed to, was in the view of the Saints equivalent to giving sanction to, and becoming responsible for, the crimes committed in the state, and especially for those committed or sanctioned by the state officials. And such was often the argument when charging responsibility for their sufferings to the general government.[20]

20. Such was the argument made by President Young on the 7th of September, in the presence of the recently arrived U. S. Territorial officials. (Woodruff's Journal *Ms.*, under date of 7th September, 1851). Such in effect was his argument when answering Judge Brocchus, when the judge in a public meeting had taken exception to these remarks, and to the speech of D. H. Wells to the same effect on the 24th of July previous. Governor Young in the latter instance said: "It is well known to every man in this community, and has become a matter of history throughout the enlightened world, that the government of the United States looked on the scenes of robbing, driving, and murdering of this people and said nothing about the matter, but by silence gave sanction to the lawless proceedings. Hundreds of women and children have been laid in the tomb prematurely in consequence thereof, and their blood cries to the Father for vengenance against

The Saints were also a people with a mission—a mission to proclaim a new dispensation of the gospel and its righteousness—to the world, and to give warnings of judgments against wickedness.[21] This led them to take advanced ground with reference to the law of righteousness; and whoever yet heard of a people so commissioned, and conscious of it, that under all circumstances were temperate in delivering their message, and wisely discriminating in denouncing judgments against iniquity?

The Church leaders had repeatedly expressed their willingness to accept a territorial government; and, as we have seen, in their petition for the admission of the state of Deseret into the Union, they had suggested the alternative of a territorial form of government, which was now granted to them, and with which, including the appointment of territorial officers not of their local community, it may be argued, they ought to have been contented. But the territorial government they contemplated was always a "*territorial government of their own,*"[22] that is, officered by men from their own community. They appear not to have been aware of the likelihood of strangers being appointed from other communities to administer the law among them, and perhaps harass them by their assumed self-importance and political intrigues. Not until their friend and political advisor, Colonel Kane, warned them of this danger did they seem to sense it.[23] Then, as we have seen, they hastened

those who have caused or consented to their death." (See also journals of Discourses, *passim*). Stansbury makes a true and temperate statement of the case, balancing against the necessary notice of the error of the Saints, a declaration of their loyalty: "That a deep and abiding resentment of injuries received and wrongs endured in Missouri and Illinois pervades the whole Mormon community, is perfectly true; and that among many of the less informed, and, I regret to add, some even whose intelligence and education ought to have enabled them to form more correct opinions, this exasperation has extended itself to the general government, because of its refusal to interpose for their protection at the time of these difficulties, is also true; but, from all that I saw and heard, I deem it but simple justice to say, that notwithstanding these causes of irritation, a more loyal and patriotic people cannot be found within the limits of the Union." (Stansbury Report, p. 144).

21. See Doc. & Cov., sec. 1. Also the other revelations of the same book, *passim*.

22. "We would esteem *a territorial government of our own*, as one of the richest boons of earth." Letter of the "Council," signed by Brigham Young, to President Polk, Aug. 9th, 1846. See Note I, end of Chapter LXXVIII.

23. See chapter LXXVIII—*Americana* for December, 1912—especially note 3, at the end of the chapter. It will be remembered that Col. Kane withdrew the first application for a territorial government when he found the Washington authorities disposed to appoint officers for the proposed territory from others than the local community.

to withdraw all petitions for a territorial government, and concentrated their effofts upon obtaining a state government;[24] but meantime the territory of Utah had been created. When the creation of the territory became an accomplished fact the agent of the colonists, Dr. John M. Bernhisel, and their political friends in Washington, did what they could to secure the appointment of men resident in the territory. On September the 15th Dr. Bernhisel submitted to President Fillmore "as the choice of the people of Utah territory for the officers in the gift of the national executive, the following named gentlemen: *Governor,* Brigham Young; *Secretary,* Willard Richards; *Chief Justice* Zerubbabel Snow; *Associate Justices,* Heber C. Kimball, Newel K. Whitney; *Attorney,* Seth M. Blair; *Marshal,* Joseph L. Heywood."

After recommending, individually, these gentlemen, the Doctor concluded his letter to President Fillmore as follows:

"The people of Utah cannot but consider it their right, as American citizens, to be governed by men of their own choice, entitled to their confidence, and united with them in opinion and feeling; but the undersigned will add that for especial and important reasons which grow out of the peculiar circumstances of the community of Deseret, and its government, the people are prepared to esteem as a high favor the nomination by the President of the entire list of officers above submitted, as it stands, and will not fail to evince that they remember it with gratitude."[25]

Part of the "peculiar circumstances" which Dr. Bernhisel had in mind are admirably stated by Captain Stansbury in his approving comment upon the appointment of Brigham Young as governor of Utah. He said:

24. The facts are stated in this History, ante chapter LXXVIII.

25. History of Brigham Young *Ms.,* 1851, pp. 127-130. In the letter which informed Governor Young of the failure of the appointment of the above list of Territorial officers, Dr. Bernhisel said: "I greatly regret that all the officers were not appointed from among our number. At my first interview with the President in relation to the appointees he promised he would not appoint any man who was not friendly disposed toward our people. * * * " I am gratified to be able to inform you that the President has evinced the most liberal and friendly feelings toward our people. (Hist. Brigham Young Ms., 1851, pp. 127-130). Nevertheless, as already noted, he mixed the appointments for Utah, four from the local community, five—counting the sub-agents in the Indian service—from the east.

"With all due deference, then, I feel constrained to say, that in my opinion the appointment of the president of the Mormon church, and head of the Mormon community, in preference to any other person to the high office of governor of the territory, independent of its political bearings—with which I have nothing to do—was a measure dictated alike by justice and by sound policy. * * * No other man could have so entirely secured the confidence of the people; and this selection by the executive of the man of their choice, besides being highly gratifying to them, is recognized as an assurance that they shall hereafter receive at the hands of the general government that justice and consideration to which they are entitled. Their confident hope now is that, no longer fugitives and outlaws, but dwelling beneath the broad shadow of the national *aegis*, they will be subject no more to the violence and outrage which drove them to seek habitation in this far, distant wilderness. * * * From all I saw and heard, I am firmly of opinion that the appointment of any other man to the office of governor would have been regarded by the whole people, not only as a sanction, but as in some sort of a renewal, on the part of the general government, of that series of persecutions to which they had already been subjected, and would have operated to create distrust and suspicion in minds prepared to hail with joy the admission of the new territory to the protection of the supreme government."[26]

Stansbury's associate, Lieutenant Gunnison, also makes an important comment on the right of the Salt Lake colonists to "local self-government," and truly represents the views of the colonists upon the subject:

"The Mormons regard themselves as placed in the position of our colonial fathers; with this difference, that the latter felt the burden of taxation without representation; the Mormons an injustice in enforcing law upon them by *foreigners*. They have formed everything on the model of a republican state; adopted a constitution, liberal, free, and tolerant of conscience in religion; and have a criminal code which applies to their peculiar situation and feelings. It is not to be presumed that lawyers, though eminent at home, fresh from crowded cities, and long drilled municipal laws suited to old societies, can have a just appreciation of the statutes of this wild country, which have a peculiar religious sanction from the dependence of the civil code on revelation. Nor will the community place the same confi-

26. Stansbury's Report to the Government of the U. S., 1852, pp. 146-147.

fidence in such judges, as in those whose acquaintance with their views and opinions is a matter of experience; and whose interests and sympathies are bound up together. And, too, we must remember, that it is a matter of conscience to bring all subjects of contention before the heads of their family, the household of the church.

"So long therefore, as they demean themselves as good, industrious citizens of the United States, being geographically separated from other society, with no admiralty causes to adjudicate, and pay their portion of the indirect taxation for the support of the government, *they feel a right to demand confidence enough to be allowed to have persons resident among themselves appointed to administer the laws over them, and fill official stations. And they can well laugh at all attempts to control them otherwise, though they may submit in appearance, to prevent collision.*

"And then comes up the question is not this after all a matter of political *etiquette?* and is it wise to make a case of treason on such a point? They acknowledge the binding force of the Constitution, claim to be American citizens, and also to have a right that this courtesy be allowed them, after so many privations and sufferings endured, to make the wilderness and desert a habitable abode. To enforce rulers over them from abroad, by the power of bayonet, will entail perpetual war, or necessitate the raising a force, and making the expenditure of funds such as has never been called for at one time since our national existence."[27]

These comments were made some time after the first clash came between the people of Utah and the United States judges, and when the resentment of the people to the impertinence of the judges, was spoken of in some quarters as "treason." But the passage is *a propos* the right of local self-government here discussed.

Another of the "peculiar circumstances" to which Dr. Bernhisel could not fail to have in mind would be the attachment the Saints would possess for their religious leaders, under whose exclusive jurisdiction they had lived since the expulsion from Illinois early in 1846. This would be, counting up to the time when the territorial government went into force among them, in the later months of 1851, a period of about five years. In

27. Gunnison's "The Mormons," pp. 154-5.

that time they had become "well weaned"[28]—and that through no fault of theirs—from government other than that administered by their own trusted, religious leaders; and a broad and enlightened statesmanship would fully have recognized that condition and acted upon it, rather than to have sent straugers among them to administer the laws, which could have no other effect than to awaken resentments, and either thwart entirely the ends of government, or, if there was submission to the felt injustice, occasion frequent recurrence of ebulitions of indignation, that, under all the circumstances, it would be too much to expect would always be restrained; and that must result in irritation, and even in serious conflicts.[29]

The latter, the course that produced irritations and conflicts,

28. The Utah colonists, after the lapse of those five years, could well have used the language to the administration at Washington that Puritans employed to King James of England when applying for the privilege of planting a largely self-governing colony in America: "With characteristic simplicity and honesty of purpose they represented to him that they were well weaned from the delicate milk of their mother country, and inured to the difficulties of a strange land; that they were knit together in a strict and sacred bond, by virtue of which they held themselves bound to take care of the good of each other and of the whole; that it was not with them as with other men, whom small things could discourage, or small discontent cause to wish themselves at home again." (History of the United State—Marcus Wilson—Appendix to the Colonial History, p. 288).

29. Nor could it be otherwise. What chance, for instance, would any man have had sent from the eastern states as governor of Utah against Brigham Young? The latter a born leader among men, and the founder of the state of Deseret, possessing the full confidence of his people, what an indignity to the people of Utah it would have been to have appointed any other man governor of the territory! "Intimately connected with them from their exodus from Illinois," remarks Captain Stansbury, "this man (Brigham Young) has been indeed their Moses, leading them through the wilderness to a remote and unknown land, where they have since set up their tabernacle, and where they are now building their temple. Resolute, in danger, firm and sagacious in council, prompt and energetic in emergency, and enthusiastically devoted to the honour and interests of his people, he had won their unlimited confidence, esteem, and veneration, and held an unrivaled place in their hearts. Upon the establishment of the provisional government, he had been unanimously chosen as their highest civil magistrate, and even before his appointment by the President, he combined in his own person the triple character of confidential advisor, temporal ruler, and prophet of God. Intimately acquainted with their character, capacities, wants, and weaknesses; identified now with their prosperity, as he had formerly shared to the full in their adversity and sorrows; honoured, trusted, the whole wealth of the community placed in his hands for the advancement both of the spiritual and temporal interests of the infant settlement, he was, surely, of all others, the man best fitted to preside, under the auspices of the general government, over a colony of which he may justly be said to have been the founder." (Stansbury's Report, pp. 136-7). Under such circumstances as these it would have been a wanton political blunder to have appointed any other man governor of Utah; and it was equally a mistake—though varying somewhat in degree—to appoint other officers of the territory outside of the local community, when there were men in the local community of character and ability equal with and even superior to the "outsider" receiving the appointment

was the line events followed in Utah for well nigh half a century —the direct result of the persistent violation by the authorities at Washington, of the American principle of the right of local self-government.

On the other hand there was "the stranger" appointed to office in the Territory. He could but feel that he was unwelcome, as an office holder; that he was an "intruder," a "stranger" and a "foreigner" in the commonwealth, sent from a distance to administer its laws, among a people conscious of their ability for self-government; and who had lost none of their rights as citizens of the United States by reason of their removal to the mountain wilderness over which now the constitution of their country had been extended, and where, of right, American principles should prevail. The "stranger" officeholder had little and perhaps no sympathy with the community into which he had intruded. Certainly he was a disbeliever in, and usually opposed to their religious beliefs, worship, and conceptions of life and its duties.

With rare exceptions the "foreign" appointees were not men of large character-caliber. That may be determined to some extent by the fact of their seeking the appointment to the offices, which they must know would bring them into antagonistic relations with the people among whom they must live;[30] that they must certainly be regarded as intruders, the instruments through which the violations of the American principle of "home rule" was being effected. And this thankless position they were willing to assume for a very meagre salary. These first appointees from the east, for instance, the chief justice, the associate justices, and the secretary of the territory, received each, $1,800 per annum.[31] And for that consideration they would leave the practice of a profession, or other vocation, to accept such a salary, and work under conditions above described! A deduction from the premises by the writer is not necessary, each reader will make his own.[32]

30. New York *Herald* of March 9th, 1852.
31. Organic Act of Utah, Sec. 11.
32. In a communication to President Fillmore, which was his report of conditions in Utah after the "flight" of Judge Brandebury, Brocchus *et al.*, from Utah, Governor Young in a fine vein of sarcasm takes the measure of this first group of

Moreover, among these "foreign" appointees were adventurers who sought these appointments, not so much to serve the people among whom they were sent; not to uphold the dignity, and national authority that appointed them; but to make their appointment a stepping stone to some personal advantage, political or otherwise. Others came for mere love of novelty and adventure. Others still in the hope that change of climate would arrest the progress of failing health, if not restore it; others being worn out, political hacks in their own community, accepted the appointment as the last reward for political party service. Others came with the idea that there was a mission attachment to their office by which they were authorized and expected to engage in a crusade against the religion and the Church of the Latter-day Saints. All this, however, is said under recognition of the fact that there were honorable exceptions to this classification of the Utah "foreign" appointees, though it must be said in candor, that the exceptions were rare.

Of these several varieties a number were present in the first batch of appointees. The whole group could best be described as politically and in every other respect nonentities.[33] So completely is this the case with reference to the one appointed chief justice that little or nothing is known of him except that he seems to have been the pupil and protege of a "pennsylvania county court lawyer," whose political influence, it is presumed, being a Whig, was sufficient with the administration to secure his pupil the appointment to the office of chief justice. In Utah

"foreign" appointees to territorial offices. "In the appointment of new officers, if you will pardon me for making a suggestion, I would propose," the Governor goes on to say, "that such men be selected as will reside within the territory, or have a general and extended knowledge of men and things as well as of the elementary and fundamental principles of law and legislation; men who have lived and practiced outside, as well as indoors, and whose information extends to the duties of a justice of the peace, as well as the well-known passages and districts of the court room." (Governor Young's Letter to President Fillmore, date of September 29, 1851. Congressional Globe, New Series, Vol XXV, p 92).

33. "Who of worth," asks the writer of a letter to the New York *Herald*—March 9th, 1852—signed by Jedidiah M. Grant, Great Salt Lake City—in favor—"Who of worth and standing at home would venture out to our distant and undescribed country? Accordingly, the offices went begging among all the small fry politicians who could be suspected of being fit to fill them." The matter of the offices going begging is emphasized by the fact that even after the office of chief justice was given to Joseph Buffington, of Pennsylvania, he refused to serve

the chief justice was known for his unsocial habits, and slovenliness in dress.[34]

Judge Brocchus is spoken of by Bancroft as a "vain and ambitious man, full of self-importance, fond of intrigue, corrupt, revengeful, hypocritical."[35] He represented the class above referred to who came to seek political preferment, being ambitious to be elected delegate to congress from the territory, informing, en-route to Utah, the Mormon people at Kanesville of his ambition, representing that it was his only purpose in going to Utah, and he really began his campaign there, and continued it across the plains, only to learn, before reaching Salt Lake City, that the people of Utah had elected Dr. John Bernhisel to that office.[36] It is only justice to the judge to say that he disclaimed being more than a receptive candidate.[37]

Secretary Harris is described as "a smart youngster from a Vermont printing office."[38] He represented in this first group of U. S. "foreign" officials, the class that conceived a mission attachment to their territorial office appointment. Mr. Harris soon after his arrival in Utah informed Governor Young "that he had private instructions designed for no eye but his own, to watch every movement and not pay out any funds unless the same should be strictly legal, according to his own judgment."[39]

Whereupon the governor remarked in his communication to President Fillmore:

34. The Grant-signed Letters, p. 3. (They were published in pamphlet form, now rare). The linen of the judge was matter of jest and referred to as "the great unwashed." *Ibid,* p. 7, and *passim.*

35. History of Utah, Bancroft, p. 456.

36. The Grant-signed Letters, p. 8.

37. The judge "denied that he came here (i. e., to Utah) with the view of being elected delegate to congress, but had expressed his willingness to accept that office, if elected, and that he thought he could do us good in that way." History of Brigham Young Ms., entry for 8th Sept., 1851, pp. 61-69. In referring again to the matter, in a letter to the judge under date of Sept. 20th, 1851, Governor Young represented that it was "reported, and on pretty good authority," that Brocchus had said that, "if the citizens of Utah do not send me as their delegate to Washington, by G—d, I'll use all my influence against them, and will crush them. I have the influence and the power to do it, and I will accomplish it if they do not make me their delegate." The letter from which the above is quoted, with three others by Brigham Young to Judge Brocchus, and two of the judge's to Brigham Young, were published in the New York *Herald,* and reproduced in the *Deseret News* of Oct. 16, 1852.

38. Grant-signed Letters, p. 3.

39. Governor Young's Report to President Fillmore, Appendix, Congressional Globe, new series, Vol. XXV, p. 92.



The Old Council House

"Is it true that officers coming here by virtue of an appointment by the President, have private instructions that so far control their actions as to induce the belief that their main object is not the strict and legal performance of their respective duties, but rather to watch for iniquity, to catch at shadows, and make a man 'an offender for a word;' to spy out our liberties, and, by manifold misrepresentations, seek to prejudice the minds of the people against us? If such is the case, better, far better would it be for us, to live under the organization of our provisional government, and entirely depending upon our own resources, as we have hitherto done, until such time as we can be admitted as a state."[40]

In the second group of "strangers" appointed to office, one, Mr. Benjamin G. Ferris, appointed to be secretary of the Territory, admitted that it was merely "a curiosity, long cherished, to visit a portion of the world about which marvelous accounts had been given, that induced" him "to accept the vacant post." He remained six months which he employed in gathering materials for writing his book, "Utah and the Mormons," which appeared two years later.[41]

The two judges of the second group of "strangers" receiving appointment to office in Utah represent the class of invalids who come to Utah to *recoup* their failing health. Mr. Lazarus H. Reid of New York, who was appointed as chief justice, after remaining in Utah a year returned to his home in Bath, Steuben county, on a visit where he died, though but forty years of age.[42] Leonidas Shaver, said to be of southern birth, was a sufferer from some affection of the head and died very suddenly.[43] So suddenly in fact that it gave rise to unfounded rumors that he had been poisoned, on account of a supposed difficulty with the

40. Ibid.

41. "Utah and the Mormons", Ferris, 1854. See preface.

42. Waite's. The Mormon Prophet, p. 25.

43. Richard's *Ms.*, quoted by Bancroft, Hist. of Utah, p. 461. "Judge Shaver, aparently in good health at night was found the next morning dead in his bed." Relative both to the "gossipping" rumor of a supposed difficulty with the Governor and the poisoning of the judge, Stenhouse remarks, that he "has never seen any ground for such a suspicion." Rocky Mountain Saints, p. 270. Beadle says that the Mormons believed him to be an opium eater, and that "he died from suddenly being deprived of that drug." Life in Utah, p. 170. It was Doctors Hurt and French at the inquest who testified that the judge was addicted to the use of opium. See *Deseret News* of July 4th, 1855. Stenhouse's Rocky Mountain Saints, p. 270. The rumor of misundersanding with the governor rests alone on the gratuitous statement of Waite. ("The Mormon Prophet," p. 24).

governor, of which difficulty, however, there exists not the slightest evidence; and Brigham Young speaks of the judge in the most complimentary terms, alluding to him as "a straight forward, judicious, upright man."[44] The cause of his death was thoroughly investigated with the result above stated, viz, that he died "of a disease of the head." The judge was buried at Salt Lake City with "processional honors."

Thus it will be seen that in the first and second group of "stranger" officers, Utah had all the classes represented that are enumerated in preceding paragraphs of this chapter; and quite generally it may be said in truth, the territory from first to last, had present in the personnel of U. S. officials, the majority of these classes constantly represented. I have already indicated[45] that there were also nearly always some "honorable exceptions" present.

44. Bancroft's Hist. Utah, p. 461, note. He quotes Richard's Incidents in Utah Hist. Ms., p. 78. Geo. A. Smith in a public speech said of Judge Shaver that he was "a worthy man and profound jurist, who by his upright course has honored his profession. His studious attention to his duty, his fine intellect, polished education and gentlemanly bearing won for him the universal admiration and respect of this community." *Deseret News* of July 18, 1855, p. 146. Nor did this esteem arise from any subservency on the part of the judge to the church leaders. The chief justice of the territory, Judge J. F. Kinney, in his eulogy of him at the public funeral services said: "With judicial ability, was blended the most scrupulous honesty, and that which is equal to either, a firmness of purpose and a moral power, which enabled him to enunciate the law regardless of consequences or the opinions of men. Ability, integrity, firmness and moral courage are qualifications which ever have and ever must adorn the bench, all are necessary, none dispensable.

"It is but due to the departed to remark that he possessed these to an eminent degree. I have seen all these virtues severely tested. Of the many important cases tried by the lamented judge, involving, as some of them did, the feelings of the entire community, no person, however much interested, has ever been able to detect the slightest bias or prejudice or shrinking from the announcement of a decision adverse perhaps to the wishes of the church and community. And no higher meed of praise can be awarded the memory of our departed brother than this, that, notwithstanding these decisions, the prominent members of the church are among the most ardent admirers of his judicial character." (*Deseret News*, July 4th, 1855, p. 132). Which was a compliment both to the deceased jurist and to the Mormon church leaders. Bancroft says the judge's death occurred "soon after his arrival" in Utah. (Hist. of Utah, p. 46). A mistake, he was a resident and officer in Utah nearly three years. *News*, as above.

45. After referring to what he calls "imbecile appointments from the time of Fillmore until Lincoln's administration," J. H. Beadle, an anti-Mormon writer of some repute, records the disgraceful actions of some of the early Utah "foreign" judges as follows: "The first judge, Perry E. Brocchus, was incautious in his attacks upon polygamy; and, having been led to believe that his life was in danger, left the territory. Another official was detected in immorality, and resigned to avoid exposure; another disgraced his office by taking a prostitute upon the bench with him; another impaired his efficiency by secret drinking; and still another allowed himself to be completely entrapped by two of Brigham's (?) 'decoy women.' One of these delinquents was followed into Weber Canon by a self-appointed committee of 'Mormon boys,' and received at their hands a severe castigation."

CHAPTER LXXXI

The First Clash Between U. S. "Foreign" Appointees and the Church Authorities

In this chapter I propose to deal with the first incidents of disagreement between the people of Utah and U. S. officials. Judge Brocchus was the first to bring on a conflict. On the 24th of July preceding the judge's arrival, Daniel H. Wells had delivered an oration on the Utah pioneers, recounting the events leading up to the necessity for their journey into the western wilderness, to which oration reference has already been made in a previous chapter. This oration was one of the instances when proper distinctions were not made between mobs and the United States, represented by the general government; and the statement was made that the country making the "requirement" for the Mormon battalion "could have no other object in view than to finish, *by utter extermination,* the work which had so ruthlessly begun—i. e." by mobs.

This oration was published in full two days after the arrival of Judge Brocchus.[2] President Young it would appear also made some uncomplimentary remarks about the then late Zachary Taylor.[3]

A special conference of the church was held on the 7th, 8th and 9th of September following. On the 7th President

(Life in Utah, or the Mysteries and Crimes of Mormonism, an Exposé. National Publishing Co., Phil., 1870, p. 394). Col. Steptoe, to whom was tendered the office of governor of Utah (of which more later) is supposed to be the victim of "Brigham's decoy women;" Brancroft says, "there is no grounds for such a statement." (Hist. Utah, note, p. 493); but, Steptoe omitted, the list of delinquents among U. S. officials in Utah, up to the time referred to by Beadle, is long enough, and the nature of their offending black enough, to awaken the indignation of the people against the persistent violations of the right of local self-government by having such officers sent among them to administer the law. Beadle further remarks of the period beginning with 1854, that "Utah now began to be regarded as the 'Botany Bay' of worn out politicians; if a man was fit for nothing else, and yet had to be rewarded for political services, he was sent to Utah." "Life in Utah," p. 171.

1. Chapter LXXIX.

2 *News* of Aug. 19, 1841.

3 President Young when he replied to the speech of Judge Brocchus said "I know Zachary Taylor, he is dead and damned and I cannot help it." (Hist of Brigham Young Ms., Sept., 1851, pp. 61-64. According to Brocchus the remark of President Young was: "Zachary Taylor is dead, and in hell, and I am glad of it." Utah Officials' Report to President Fillmore, Congressional Globe, new series, Vol XXV, p. 87.

Young in addressing the conference referred to the general government of the United States in severe terms for its apparent sanction to the killing of Joseph Smith. The United States was the first nation to which the new dispensation of the gospel was preached, and they had killed the prophet that God had sent unto them, and would be under condemnation.[4]

These incidents seemed to furnish Judge Brocchus an occasion to pose as the defender of the government of the United States against a "Mormon attack." Accordingly he asked permission to address the conference. President Young inquired what would be the nature of his remarks, but received no very satisfactory answer. According to Governor Young the judge's reply was, "he did not know;"[5] although in his subsequent correspondence with the governor on the subject, the judge said, "my speech in all its parts was the result of deliberation and care—not proceeding from a heated imagination, or a sudden impulse, as seems to be the general impression. I intended to say what I did say."[6]

It is generally deplored that no report of the judge's speech is extant, but what is doubtless a very good synopsis of his remarks is to be found in the journal History of Brigham Young, together with a synopsis of President Young's reply, both of which I give herewith:[7]

Speech of Judge Brocchus—"On the 7th, 8th, and 9th I attended conference in the bowery. The Hon. Perry E. Brocchus, associate justice for the territory, requested the privilege of addressing the assembly. On being asked what would be his subject, he replied that he did not know. The privilege was granted, and on the second day of the conference he appeared in company with Judge Brandebury, Indian Superintendent Day,

4. Wilford Woodruff's Journal Ms., entry, 7th Sept., 1851.

5. Hist. Brigham Young Ms., entry Sept. 7, 8, 9, 1851, p. 62.

6. *Deseret News* of Oct. 16th, 1852, where the whole correspondence appears.

7. The incident happened during a suspension of the publication of the *Deseret News*, which extended from August 19, 1851, to November 15th, 1851, which explains why the speech or a synopsis of it does not appear in that periodical. Tullidge says the speech of Judge Brocchus is not extant, nor is there to be found any report of that exciting conference, for it was before the existence of the *Deseret News*. (Hist. of Salt Lake City, p. 9). Clearly an error, since the *News* began its existence on June 22, 1850. Tullidge seems to have overlooked the account of the conference in *Ms.* History of Brigham Young, also in Woodruff's Journal.

and several others of his friends, and addressed the congregation.

"He expressed his everlasting gratitude for the kindness and hospitality of our people to him when sick and a stranger. He bore testimony to the peacefulness of the inhabitants of the Territory, and their submission to the tribunals of their own choice, and prayed to God that all the United States might soon have such tribunals as were in this territory, and then it would always bring peace to the hearts of those who had to be judged. He hoped there would be no litigation. He denied that he came here with the view of being elected delegate to congress, but had expressed his willingness to accept that office, if elected, and that he thought he could do us good in that way. He was an honorable man, or he would not have been appointed to office in the territory. He appeared before his audience, under a commission by the board of managers of the National Washington Monument, to ask the territory to contribute a block of marble towards the erection of that building. He cursorily reviewed the career and character of George Washington. He then referred to the oration of Hon. D. H. Wells on the 24th of July, and objected to some portions of it. The government made no imperative demand for 500 of our best men for service in the Mexican war, and had no evil intentions in asking for them, nor was it responsible for the persecutions in Missouri and Illinois. President Polk expressed decided disapprobation of those deeds, he [Brocchus] felt indignant about them, and he believed the mass of the people, at the time, boiled with rage towards the perpetrators. The Federal government had not injured us. The President could not lay a private wrong before congress. To those states [i. e., Missouri and Illinois], we should look for redress. The speaker regretted to hear in our midst such expressions as that the United States were a stink in our nostrils. He was pained to hear it said that the government of the United States was going to hell as fast as possible. He said that if the people of Utah could not offer a block [i. e. of marble] for the Washington Monument in full fellowship with the United States, it were better to leave it unquarried in the bosom of its native mountain. He directed a portion of his discourse towards the ladies, and, libertine as he boasted himself, *strongly recommended them to become virtuous.*"

Governor Young's Reply

"I arose and spoke substantially as follows:—Judge Brocchus is either profoundly ignorant, or wilfully wicked, one of the two. There are several gentlemen on this platform who

would be glad to prove the statements referred to in relation to him, and much more, if I would let them have the stand. His speech is designed to have political bearing. If I permit discussion to arise here, there may be either pulling of hair or a cutting of throats. It is well known to every man in this community, and has become a matter of history throughout the enlightened world, that the government of the United States looked on the scenes of robbing, driving, and murdering of this people and said nothing about the matter, but by silence gave sanction to the lawless proceedings. Hundreds of women and children have been laid in the tomb prematurely in consequence thereof, and their blood cries to the Father for vengeance against those who have caused or consented to their death. George Washington was not dandled in the cradle of ease, but schooled to a life of hardship in exploring and surveying the mountains and defending the frontier settlers, even in his early youth, from the tomahawk and the scalping knife. It was God that dictated him and enabled him to assert and maintain the independence of the country. It is the same God that leads this people. I love the government and the constitution of the United States, but I do not love the d——— rascals who administer the government.

"I know Zachary Taylor, he is dead and damned, and I cannot help it. I am indignant at such corrupt fellows as Judge Brocchus coming here to lecture us on morality and virtue. I could buy a thousand of such men and put them into a bandbox. Ladies and gentlemen, here we learn principle and good manners. It is an insult to this congregation to throw out such insinuations. I say it is an insult, and I will say no more."[8]

This conference incident was followed by a correspondence between the governor and the judge that has become historical. The former, on the 19th of September, wrote the judge respectfully inviting him to attend the following Sunday service and address the same people before whom he had spoken on the 8th inst. "And if your honor," said the governor, "shall then and there explain, satisfy, or apologize to the satisfaction of the ladies who heard your address on the 8th, so that those feelings of kindness that you so dearly prized in your address can be recip-

8. Hist. of Brigham Young *Ms.*, entry for September 8th, 1851, pp. 61-64. As sustaining the substantial accuracy of the above report, I also give another account of these two speeches which created a great sensation throughout the United States at the time they were reported. The second account is from a separate and independent source of information, viz., the *Journal* of Wilford Woodruff, and not elsewhere published. See note, end of chapter.

rocated by them, I shall esteem it a duty and a pleasure to make every apology and satisfaction for my observations which you as a gentleman can claim or desire at my hands.'"[9]

It is very generally held that Judge Brocchus in his address attacked the practice of plural marriage among the people, but if so it was solely by innuendo, as neither in President Young's account, nor in Elder Woodruff's, nor in the correspondence which followed between Governor Young and the judge is there any allusion to that subject, except for the exhortation of the judge to the ladies of the audience in which he expressed "the hope," that they "*would become virtuous.*"[10] This expression was most offensive, and aroused great indignation.

If it was the intent of Judge Brocchus in this remark to allude to the marriage relation in question, then his error was a most gross one, for it not only cast opprobrium upon the women present, who had entered into that order of marriage, but it cast reproach upon a principle accepted, under the circumstances and within the limitations fixed by the Church, as a profoundly religious institution, and was wholly untainted with sensuality, or immorality in any of its phases.[11]

9. Letter of Brigham Young to Judge Brocchus, *Deseret News*, Oct. 16, 1852.

10. Governor Young's Letter to Brocchus of Sept. 21st, 1851. *Deseret News*, Oct. 16, 1852. On this remark the governor commented as follows: "Let me ask you, most seriously, my dear sir, how could you hope thus? How could you hope that those 'dear creatures,' some of whose acts of benevolence to the stranger drew tears from your eyes while you were yet speaking—how could you hope—what possible chance was there for you to hope—they would become virtuous? Had you ever proved them unvirtuous? If so, you could have but a faint hope of their reformation. But, if you had not proved them unvirtuous, what testimony had you of their lack of virtue? And if they were unvirtuous, how could they 'become virtuous'? Sir, your hope was of the most damning dye, and your very expression tended to convey the assertion that those ladies you then and there addressed were prostitues—unvirtuous—to that extent you could only *hope*, but the probability was they were so far gone in wickedness you you dare not *believe* they ever could become virtuous. And now, sir, let your good sense, if you have a spark left, answer—could you, had you mustered all the force that hell could lend you—could you have committed a greater indignity and outrage on the feelings of the most virtuous and sensible assemblage of ladies that your eyes ever beheld? If you could, tell me how. If you could not, you are at liberty to remain silent. Shall such insults remain unrequited, unatoned for?" (*Deseret News* of Oct. 16th, 1852).

11. Captain Howard Stansbury, after a year's residence among the Saints in Salt Lake and Utah Valley, 1849-1850, bears most important testimony upon this point: "If a man, once married, desires to take him a second help-mate, he must first, as with us, obtain the consent of the lady intended, and that of her parents or guardians, and afterward the approval of the seer or president, without which the matter cannot proceed. The woman is then 'sealed' to him under the solemn sanction of the church, and stands, in all respects, in the same relation to the man, as the wife that was first married. The union thus formed is considered a per-

It is only fair to Judge Brocchus to say that he disclaimed any "design to offer indignity and insult"[12] to his audience; and subsequently in the report which he and his associate officers of the territory made to the President of the United States, he declared that his address on the occasion here considered "was entirely free from any allusions, even the most remote, to the peculiar religion of the community, or any of their domestic or social customs. It contained not a single expression of bravado or unkindness or harsh rebuke, or any sentiment that could have been tortured into a design on the part of the speaker to inflict wantonly a wound upon the hearts of his hearers."[13] With this theory of the nature of his remarks it is difficult to reconcile the judge's admonition to the ladies of his audience "to become virtuous."[14]

fectly virtuous and honourable one, and the lady maintains, without blemish, the same position in society to which she would be entitled were she the sole wife of her husband. Indeed, the connection being under the sanction of the only true priesthood, is deemed infinitely more sacred and binding than any marriage among the gentile world, not only on account of its higher and more sacred authority, but inasmuch as it bears directly upon the future state of existence of both the man and the woman. * * * All idea of sensuality as the motive of such unions, is most indignantly repudiated; the avowed object being to raise up, as rapidly as possible, 'a holy generation to the Lord,' who shall build up his kingdom on the earth. Purity of life, in all the domestic relations, is strennously inculcated; and they do not hesitate to declare, that when they shall obtain the uncontrolled power of making their own civil laws, (which will be when they are admitted as one of the states of the Union), they will punish the departure from chasity in the severest manner, even by death." (Stansbury's Report, Executive Document, No. 3, pp. 136-7). The testimony of Lieutenant Gunnison on the same subject and during the same period of time is not less important: "Infidelity and licentiousness are held up for abhorrence; and when the 'plurality' law shall be promulgated, they will be punished by the decapitation of the offender and the severest chasity inculcated upon one sex, and rigid continence on the other during the gestation and nursing of children. Thus the time of weaning will again become a feast of joy, next to the celebration of the nuptial rite, and patriarchal times return. * * * The addition of wives, after the first, to a man's family, is called a 'sealing to him.' This constitutes a relation with all the rights and sanctions of matrimony. * * * Thus guarded in the motive, and denounced as sin for other consideration than divine, the practical working of the system, so far as now extended, has every appearance of decorum. * * * That the wives find the relation often a lonesome and burdensome one, is certain; though usually the surface of society wears a smiling countenance, and to all who consent from a sense of duty or enthusiasm the yoke is easy. * * * We must conclude that the regulation of the new 'plurality' has not yet become perfect, and that the virtues claimed as pertaining to it are not in complete vigor; *but we may add that the community had every appearance of good morals, so that any equal number of persons in the states can scarcely exhibit greater decorum.*" (The History of the Mormons, Gunnison, pp. 69-73).

12. Letters to Brigham Young of Sept. 19, 1851. *Deseret News,* Oct. 16, 1852.

13. Report of *Messrs.* Brandebury,, Brocchus *et al.,* to the President of the U. S., Congressional Globe, new series, Vol. XXV. p. 88.

14. In his letter to Governor Young in answer to one inviting him to apologize to the people for his 8th of September speech, judge Brocchus said: "My

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It is said by some writers upon Mormon history that in one or other of their reports in the east, of which it is claimed there were several, these officers declared that "polygamy monopolized all the women, which made it very inconvenient for the federal officers to live here" (i. e., in Utah). "Loose as people might suppose frontier life to be," comments Stenhouse in his chronicle of this alleged report, "no one anticipated that representatives of the federal government would thus express themselves."[15] It does indeed seem incredible that such a remark should have been made. Tullidge, however, declares that the "federal officers expected to be applauded by the public, and sustained by the government, their assault being against polygamy;" but that they indescreetly stated in "*their communication to the government*"[16] the remark attributed to them by Stenhouse, and he then quotes the comment made above by Stenhouse.

Again it is only fair to the "run-a-way officers" to say that in their report to the President, the matter of plurality of wives is not made a principal part of that report. It is only mentioned as an incident, and disposed of in a single paragraph of twenty-eight lines in a report covering nearly five of the three column pages of the *Congressional Globe*. The rest of the report deals with Latter-day Saint charges of the responsibility of the general government for persecutions their Church had endured; with the apparent spirit of prejudice and defection as a consequence of that attitude; the alleged squandering by Governor Young of $20,000 appropriated by congress for the erection of public buildings;[17] and also the alleged irregularities of Govenor Young

sole design, in the branch of my remarks which seems to be the source of offense, was to vindicate the government of the United States from those feelings of prejudice and that spirit of defection which seemed to pervade the public sentiment. That duty I attempted to perform in a manner faithful to the government of which I am a citizen, and to which I owe a patriotic allegiance without unjustly causing a chord to vibrate painfully in the bosom of my hearers." (*Deseret News*, Oct. 16th, 1852).

15. The Rocky Mountain Saints, 1873, pp. 277-8.

16. History of Salt Lake City in *Tullidge's Quarterly Magazine*, p. 92.

17. This alleged misuse of money is stated in the official's report as follows: "Congress appropriated twenty thousand dollars, to be applied under the direction of the governor and legislature in the erection of public buildings. The governor no sooner received this money than he appropriated and used every dollar of it, or a greater portion of it, in payment of debts due by the Mormon Church, and in a few days after its arrival in the valley it was on its way to the United

in the inauguration of the territorial government. As for their alleged indiscreet remark concerning polygamy resulting in an inconvenience to the federal officers, it certainly is *not* found in their official report as claimed by Tullidge. Frankly, I do not think it is of record; and chiefly for the reason that the Utah delegate to congress in his several communications to the President made no reference to it; nor in the Grant-signed letters to the New York *Herald*,—in which the "run-a-way officers" are most severely handled—is there any allusion made to such a remark, although the writer of those letters refers to "three successive versions" of what is called their "Report;"[18] and

States in other hands. We were not present at its actual payment, but it was a matter of public notoriety and talked of by the gentlemen who received it. This occurred about the last of July." (Congressional Globe, Vol. XXV, new series, p. 88). According to the enabling act this sum of $20,000 was granted by Congress to the territory of Utah "to be applied by the governor and legislative assembly to the erection of suitable public buildings at the seat of government." (Organic act, sec. 12). The money was used by Governor Young towards the purchase of the "State House of Deseret," often called the Council House, until the public could be completed. "The State House purchased," remarks the *Deseret News*, "cost $45,000. It consists of two spacious halls, and four offices, two of which are occupied by the books of the Utah library and as reading rooms." The *News* manifest some indignation that there should be a charge of "squandering" the public money connected with this transaction. See *News*, impression of 7th February, 1852. An engraving of the Council House accompanies this chapter. See Note 2, end of chapter.

buildings at the captital—then designed to be at Fillmore City, Millard county—

18. Grant-signed letters, No. 11. As stated in a previous note the letters were signed by Jedediah M. Grant, Salt Lake City's first mayor; but the internal evidence is overwhelmingly against his authorship of them. Stenhouse, after referring to the fact that Grant was not the author of them, says it was "painful" to him to learn that "two of Pennsylvania's honored sons, already alluded to in this work [i. e., Stenhouse's Rocky Mountain Saints]—one no less than an ex-vice-president of the U. S., and the other enjoying a military title—were the inspiration and authors of the famous letters" (p. 278). This points directly to ex-Vice-President George M. Dallas and Colonel Kane. There is much of internal evidence that would justify belief in the Colonel's part in the authorship. The letters themselves are a rare bit of vigorous English, in masterful, biting style, bold, free, enjoyable, but unfortunately, though they held up to deserved scorn the "run-a-way officials," and made them, for the time, the laughing stock of the nation, the writers did not meet seriously and convincingly the issues presented by the "Report" of those same officials. The "Letters" are three in number, the first of which only was published in the New York *Herald*. The editor said of the first that "the pith of the charges against Governor Young and his community is not answered;" and declined to publish the others, of which he would doubtless hold the same view. The series, however, was completed and published in pamphlet form, and given wide circulation. There was also an *appendix*, including a letter to President Fillmore, accompanying copies of the pamphlet to him; extracts of a letter of Judge Brocchus' to parties in the east; an account of the murder of Joseph Smith; the Mormon war in Missouri; Hawn's Mills Massacre; the Far West troubles. and General Clark's address to the Mormons at that place. The whole case for the Saints in Utah is presented in three brief and numbered paragraphs in the letter to President Fillmore; and indeed one may catch the spirit of the whole series by those paragraphs, to wit: "We claim," say the writers, "in the broadest sense, the Rights of—

when the caustic character of those letters is remembered, I think it utterly impossible that the writers of them would miss a statement of the kind had such an one escaped the said officials and become extant.

This speech of Judge Brocchus disposed of the other incidents of the first clash between Brigham Young and the "foreign appointees" is soon told, and chiefly concerns the secretary, Mr. Harris. He was not satisfied with the proceedings of the governor in taking "the enumeration of the inhabitants of the territory," preceding the first election, required by the Organic act, and for the purpose of apportioning the number of representatives and councilors to the several counties. He was not satisfied with the manner of the election; Brigham Young had issued a proclamation designating the election districts, apportioning the number to be elected to each branch of the legislature, also ordering at the same time and at the same places the election of a delegate to congress; and directing that the election be held under the existing laws of the provisional government of the state of Deseret—and all this "without the seal of the territory or signature of the secretary!" No notice was given in the proclamation, he further pointed out, "as to the qualification of voters and those who were eligible to office." "The consequence was," according to the secretary's statement, "that unnaturalized foreigners officiated at the elections,

"1. Religious liberty, including the right of individuals to establish and maintain, as well as to bestow ecclesiastical titles upon, a church hierarchy, as far as themselves judge proper.—Upon which, our stand is with the Roman Catholics.

"2. Political liberty, admitting the largest possible power of self-government in the community, and the entire independence of its domestic institutions.—Upon which we stand with the opponents of centralization and advocates of states' rights, and, at the present time, with the South.

"3. And for all beyond this, we contradict every single statement of the delinquent officers, and by wage of law or battle will equally rejoice to be brought to prove their falsehood.—We call for the examination under oath.—Of this we put ourselves upon the country.—Our last cry is, trial!"

President Young remarks upon these letters:

"Elder Jedediah M. Grant wrote me from New York, May 13th, that he had ready for circulation his letters to the New York *Herald* in pamphlet form, a copy of which he was about to send to each member of congress and to the principal editors of the nation. His letters contained a refutation of the charges made by the returned federal officers against myself and the inhabitants of Utah, and were written in a humorous, readable style; for which they were principally indebted to the versatile pen of our friend *Col. Thomas L. Kane.*" (History of Brigham Young, *Ms.* entry for June, 1852, p. 56.)

voted, and were elected as representatives, and to offices not authorized by the organic act.[19]

The governor's answer to these alleged irregularities in the matter of the elections was that he had been actuated by a desire to hold the first election sufficiently early in the season that "delegate might be legally returned to congress before the lateness of the season should render the long and arduous journey dangerous if not impracticable." That as the United States census agent he was engaged in taking the census of the state of Deseret—the work having been delayed by the miscarriage of blanks instructions, etc.,—when the act of congress passed, requiring "an enumeration of the inhabitants of the territory" preceding the first election in said territory. The information obtained in taking the above named United States census was so far advanced early in July, 1851, that from the information of that census the governor was able to make the apportionment and order the election. "This being previous to the arrival of the secretary," he explains, "of course his seal and signature was not attached." The governor also calls attention to the fact that nearly a year had elapsed since the appointment of the territorial officers, during which time the people of Utah, nevertheless, were living without authorized government.

As evidence of the governor's disposition to proceed in order under the organic act, it may be observed that on the arrival of a majority of the justices of the supreme court he issued his proclamation designating the judicial districts and appointing the respective judges to take charge of them, which proclamation, the Secretary having at last arrived, bore both the signa-

19. See Utah Officials' Report, Congressional Globe, Vol. XXV, new series, p. 8. Relative to the election of "officers not authorized by the organic act," it should be said that the election was not ordered by the governor's proclamation. The officers in question were Deseret county probate judges, county recorders, justices of the peace, sheriffs, and constables. As the first territorial election had been appointed to take place on the first Monday in August,—the regular election day appointed by law in the provisional state government,—an editorial in the *Deseret News* urged that these local officers be elected; and accordingly they were elected at the same time and in the same manner as the territorial officers designated in the governor's proclamation. The organic act provided that "the governor may oppoint all township, district, and county offices, not otherwise provided for in the organic act. * * * Who shall hold their offices until the end of the first session of the legislative assembly." (Sec. 7). Apparently the governor preferred that such officers should be elected by the people instead of appointed by himself.

ture of Mr. Harris and the impress of the seal of the Territory[20]

Learning that the "foreign appointees" to office in the Territory had determined to leave for the east, in resentment of the conditions prevailing in Utah and the treatment accorded them, Governor Young personally waited upon them and tried to disuade them from their purpose. But in this he was not successful. Secretary Harris declared his intention to carry back with him all the funds with which he had been entrusted for the payment of legislative expenses, as also the seal, records, documents, etc., pertaining to his office. "I considered this course illegal," said Brigham Young, "wholly unauthorized, and uncalled for by any pretext whatever. I therefore concluded that I would use all legal efforts that should seem practicable for the retention of the property and money belonging to the United States in the secretary's hands, designed for the use of the territory."[21]

The governor's first move in carrying out this expressed determination was to hasten the assembling of the legislature. Although the election had taken place on the first Monday in August, no proclamation had been issued up to mid September, declaring the result of the election, without which the election itself was incomplete, since the organic act required such proclamation. This delay the governor charges to a misunderstanding with the secretary as to which of them would "make out the declaration of the members elect, and prepare the proclamation."[22] As the secretary did not prepare it, Governor Young did, on the 18th of September, declaring the results of the election and calling the legislature to assemble on the 22nd of that month. This proclamation was sent to the secretary to be signed by him and received the seal of the territory. So signed,

20. Young's Letter to President Fillmore, Congressional Globe, Vol. XXV, new series, p. 91.

21. Governor Young's Report to President Fillmore, Congressional Globe, Vol. XXV. New series, p. 91.

22. Young's Report, Congressional Globe, Vol. XXV, new series, p. 92. The Secretary assigns the neglect to Young's inclination to diregard "the plain directions of the organic act in this particular, as in almost all others." Ibid, p. 32.

and certified by the seal of the territory, the proclamation was published.[23]

Any publication of the election results, and a proclamation issuing on the 19th of September, calling the legislature into session on the 22nd of the same month—the extent and scattered condition of the settlements considered—must be conceded to be an inadequate notification and proclamation; but two days before the publication of the election results and of the proclamation, a private notice was sent to each member elect, together with the date and hour when the first session of the legislature was appointed to convene.

Brief as was the notice, at the time appointed every member of the council was present, and all the members of the house but one—the member from Iron county. The secretary did not attend, nor did he furnish the roll of the members. His neglect was made good by the governor. The roll of members was called and they qualified before Judge Snow of the supreme court. The governor's message was next in order, and was accordingly read.[24]

Two days later the legislature passed a joint resolution authorizing the United States marshal to take into his custody all papers, records, documents and property of every kind pertaining to said office of secretary, as also all money in his possession belonging to said territory, and safely keep the same until the legislature should order otherwise. This resolution was presented to Mr. Harris together with an order for five hundred dollars to defray the incidental expenses of the legislative assembly. But he flatly refused to comply with either of these

23. Here again the governor and the secretary are in disagreement. The latter says, "that proclamation, however, was never published." The governor said: "I caused it to be done (i. e., proclamation of the election made), and sent it to him for his signature and impress of the seal of the territory—intending for him to keep the manuscript thus furnished, and return a copy suitable for publication. Much to my astonishment, he placed the seal and signature to the manuscript thus furnished, not even filing a copy for record. It was published, however. (See proclamation, No. 4). (Congressional Globe, Vol. XXV, new series, p. 92).

24. The secretary says this message was "afterwards, for some reason, suppressed," and that none of the officials leaving the territory "were able to procure a copy." (Report Congressional Globe, Vol. XXV, new series, p. 89). Yet Brigham Young forwarded a copy to President Fillmore, and refers to it as an accompanying document to his letter, under the title of "No. 5." (Congressional Globe, as above, p. 92). The message, however, is not published in the collection of documents in the Congressional Globe, nor elsewhere as far as the writer knows.

requirements, giving his reasons at length in writing for such refusal; and in as much as the marshal by the resolution of the legislature was instructed to arrest the secretary in case he refused to surrender the property, documents, or money demanded by the resolution, "and him safely keep in custody until he shall comply with the foregoing resolution," that gentleman applied to the supreme court for an injunction "forbidding the marshal and others from seizing or intermeddling with the funds and other property of the United States in the custody of the secretary," which was granted.[25] Mr. Harris succeeded in keeping in his possession both the territorial seal and the sum of money in question, and on his arrival in St. Louis deposited the money with the assistant treasurer to the credit of the United States.

When Governor Young heard of the supreme court being in session—the first and only session it ever held under these judges—and then called into session merely to grant the injunction against the procedure of the marshal in taking possession of the above sum of money, and the seal of the territory—he addressed a note to the judges "asking their opinion" in regard to his duty, "having reference to the organic act which requires the governor to see that the laws are faithfully executed, and requiring the secretary to reside in the territory." Having determined to abide the decision of the judges in the case, the governor next directed the district attorney to file a petition which would cause them to give an opinion on the sub-

25. From this opinion Judge Snow dissented on the grounds: (1) "There was not any law fixing the time and place of holding the supreme court; and (2) The supreme court had not original jurisdiction, and the district court had, which was provided for in the governor's proclamation." History of Salt Lake City, p. 92. The documents in the case will be found *in extenso* in Congressional Globe, Vol. XXV, new series, pp. 88-91. In the "run-a-way officials' report is also detailed the arrest of Almon W. Babbitt, who, with his family, had started for 'the states.'" The arrest was made under a warrant issued by a justice of the peace, authorizing the wagons and effects of said Babbitt to be searched for "a sum of money, probably gold, to the amount of $24,000, and for the Seal of the Territory of Utah. The supposition was that these things had been entrusted to Mr. Babbitt for conveyance from the territory. Copy of the warrant on which Babbitt was arrested and his wagons and effects searched is included with the documents accompanying the officials' report to the President. Governor Young states that A. W. Babbitt was arrested and brought back to the city after starting for the states—overtaken two days' journey out—for resisting an officer who was arresting Joseph L. Babbitt for debt, the supreme court released A. W. Babbitt on a write of *habeaus corpus*." (Hist. Brigham Young Ms., entry for Sept. 24th, 1851, p. 98).

ject; but that day, 28th of September, two of the judges, Brandebury and Brocchus, Mr. Harris, the secretary, and Mr. Day, sub-Indian agent, took their departure for the eastern states.

In Utah the episode of the "run-a-way officials" was not taken very seriously. No one seemed to sympathize with their course. Indeed, Mrs. Eliza R. Snow, a local poetess of note, made merry over the incident in her song rendered with great eclat at the following 4th of July celebration.[26] In the east, also, while their return and reports created a sensation that it is no exaggeration to call tremendous, still there could be but little sympathy with officers who had run away from their posts of duty, apparently without sufficient cause even if all they reported of the course of Brigham Young and the Utah colonists were true. Nay, if true, all the more need that they should have remained to assert and maintain the honor and dignity of the Federal government, and the true American spirit. But they were not men of that calibre. The *St. Louis Republican,* in an editorial review of the course followed by the run-a-way officials, based upon the first published statements of said officials—and in the main facts these first reports did not materially differ from their official report made to the President of the United States—this editorial, perhaps, best represents what finally became the crystalized public sentiment of the country with reference to the course of these officials, and this, be it observed, upon the basis of accepting all their statements as true. The essential paragraphs of the editorial follow:

"No official statement has yet been made, though this is prom-

26.— "All hail the day Columbia first
The iron chains of bondage burst;
Lo, Utah's Valleys now resound
With freedom's tread on western ground.

Chorus

"Tho' Brocchus, Day and Brandebury,
And Harris, too, the secretary,
Have gone,—they went—but when they left us,
They only of themselves bereft us."

There are eight verses in all (*Deseret News,* July 10th, 1852). One of the toasts on the same occasion was: *"The officers of the government—both national and state—Uncle Sam expects every man to do his duty, Swartwout, Price, Brocchus & Co., to the contrary, nevertheless, and-also-a-running."* Ibid.

ised upon the arrival of the officers in Washington; nor are we informed to which of the number the paternity of these defences is to be ascribed. It is not important for our purpose to know, further than that the facts set forth are the leading and main grounds on which these officers justify their leaving their posts. If there are other and better reasons, we will be prepared to give them due consideration when we know what they are and to what extent they go.

"In the first place, the chief justice of the United States court, L. G. Brandebury, Perry E. Brocchus, associate justice, B. D. Harris, secretary of Utah territory, and H. R. Day, sub-Indian agent to the Utah Indians have left their posts and returned to the United States. The public will enquire why and for what reasons. According to the published statements they are these:

"The governor of the territory, Brigham Young, and the Mormon elders and community, have been acting very improperly, in the use of abusive and seditious language towards the United States government. They are guilty of polgamy, or having many wives, and exhibiting them in the streets. The governor is farther guilty in having squandered $20,000, placed in his hands by the United States; and is guilty of the omission of having appointed county sheriffs, as the organic law requires.

"This is the substance of the charges brought against the governor and people of that territory. They are grievous charges: and we are not disposed to defend them nor shield them from the odium due to their acts. On the contrary, if Governor Young has uttered the language ascribed to him, or has encouraged such sentiments towards the United States government as are imputed, he is unworthy of being the governor of the territory, and should be removed from office. As to the immorality of life, profane language, plurality of wives, and such like matters, we presume these are subjects for the territorial legislature to attend to. As yet, we believe congress has passed no statute for the states or territories on these subjects. If the governor is a defaultor, we have no doubt the accounting officers at Washington will know it, and punish him as such, if they can. Of all these charges, so much at war with, and so repugnant to all our feelings of right and property, we could not, if disposed, attempt a justification or excuse. We only know their existence through the publication alluded to, and admitting their truth (as at this writing we are compelled to do), we inquire what has been the conduct of the United States officers? and how far is their conduct justifiable? The community will draw the distinction between the evil and bad practices of the governor, and justification of leaving their posts, set up by these officers.

"It will, at the first reading, strike everyone that the defence of these returning officers is fatally insufficient in the outset, in this: *there is no overt act or crime charged or alleged to have been committed.* The judges of the United States court go there, are well received, and from the time of their arrival to their coming away, no attempt is alluded to have been made, to infringe upon their jurisdiction, or refuse obedience to their decisions. On the contrary as far as the statements go, there seems to have been a disposition to submit to their decisions, as in the case of the secretary and the funds in his hands. Threats were made that they should not hold a court—but words are only empty sounds—and no fact is presented, showing an effort to prevent their holding court, and exercising their proper jurisdiction.

"What would be thought of a United States judge, who, in times of excitement, deserted his post and fled the state, because the governor thereof, and other persons, in office and out of it, had used intemperate and improper language towards the United States government and her officers. It is at such times, amidst such excitement, when the popular feeling may run riot or wrong, that the judge, with his unsullied ermine, his purity of purpose, his rectitude of character, his freedom from transient or party impulses, his learning and official position, is expected to sit in judgment, above the storm of error or popular prejudice, and inforce the law. If his decisions and orders are set at nought, and not enforced—if, by personal or actual resistance he finds himself powerless—then, and only then would he be justified in leaving his post. How has it been in this case?

"But these judges—at least one of them, Judge Brocchus, seems to have considered that new duties were added to his judicial functions. In the states, and well regulated communities, it is considered to be decorus, and the duty of the judges, to keep entirely free from popular excitement—that they may stand forth as the arbiters between the community and the government, and between man and man. Judge Brocchus it seems, summoned the people to assemble: they listen to him respectfully: whilst he made a speech against them and their criminal practices. This may be the province of a territorial judge, but we are at a loss for the statute requiring it. It could hardly be expected, that a fanatical and misled people—such as we all believe the Mormons to be—would not be roused to anger, and indeed to make violent demonstrations, by such an assault upon them and their leaders. * * * We think the judges should have remained at their posts, proceeded regularly with their courts, kept out of excitement, and when cases occurred re-

quiring the exercise of their official authority, exercised it fearlessly and without favor or affection. If they had done this, and their authority had been resisted, then, and not until then, the public would have been prepared to excuse their retreat.

"For Mr. Harris, there is quite as little excuse. So far as the published statements go, he does not seem to have been seriously interferred with in anything except the effort to take money which he had the legal custody of. In all his other acts he had no opposition, and in this case, when the court decided in his favor, the Governor and his people submitted.

"But, what surpasses our comprehension is, what a sub-agent of the Utah Indians has to do with the civil or political affairs of the people of the Utah territory, unless they conflict in some way with the Indians. Yet Mr. Day also finds an apology in this seditious language, to leave the Indians to the mercies of these corrupt and seditious people and come back to the states. One would have supposed that he could have discharged his duties to the Indians at least, even if Governor Young had committed treason, and been hanged for it."[27]

This also seems to have been the view taken by the administration at Washington, since no action was taken against the governor of Utah, or the remaining officers of the territory appointed by the President.[28] In fact President Fillmore had been prepared somewhat for this "explosion" in respect of Utah affairs by an incident happening about mid-summer of that same year. A number of eastern papers published a most vicious attack upon Brigham Young's character on the ground of his alleged record both in Illinois and Utah; and asserting that President Fillmore had known of this record and the immoralities charged against Utah's governor before appointing him to office. This article President Fillmore sent to Col. Kane, together

27. *St. Louis Republican*, 25th November, 1851. Reproduced in *Deseret News* of February 7, 1852.

28. These were Seth M. Blair, U. S. attorney; Joseph L. Heywood, U. S. marshal; and Judge Z. Snow, an associate justice of the supreme court. The last named gentlemen wrote personally to President Fillmore under date of 22nd of September, informing him of the intention of the returning officials to leave the territory within a few days—"for reasons satisfactory to themselves;" and announcing his own intention to remain in the territory unless in the opinion of the President or congress,—in the event of an inquiry into the facts being made,—he ought to return. The judge also states that he used all his influence to bring about a reconciliation between the parties "but failed." He makes no statement of the causes leading to this "unhappy incident," relying upon the statements of the retiring officials and the Utah delegate, Dr. Bernhisel, to furnish the President with the necessary information. (Congressional Globe, Vol. XXV, new series, p. 86).

with a polite note, reminding him that as President he had relied much upon him "for the moral character and standing of Mr. Young." "You knew him," said the President, and "I doubt not will truly state whether these charges against him are true." To this Col. Kane made the following answer:

PHILADELPHIA, July 11, 1851.

"MY DEAR SIR:—I have no wish to evade the responsibility of having vouched for the character of Mr. Brigham Young, of Utah, and his fitness for the station he now occupies. I reiterate without reserve, the statement of his excellent capacity, energy, and integrity, which I made you prior to his appointment. I am willing to say I volunteered to communicate to you facts by which I was convinced of his patriotism, and devotion to the interests of the Union. I made no qualification when I assured you of his irreproachable moral character, because I was able to speak of this from my own intimate, personal knowledge.

If any show or shadow of evidence can be adduced in support of the charges of your anonymous assailant, the next mail from Utah shall bring you their complete and circumstantial refutation. Meanwhile I am ready to offer this assurance for publication in any form you care to indicate, and challenge contradiction from any respectable authority.

I am, Sir, with high respect and esteem, your most obedient servant, THOMAS L. KANE.

The President."

This note was accompanied by a letter to the President marked "*personal*," in which the charges against Brigham Young were more freely discussed. Apart from the charges of levying "high and unjust taxes on men selling property at Salt Lake, to aid them on their journey," the Colonel saw nothing new in the accusations" against Governor Young. "The other accusations," he remarks, "are a mere rehash of old libels," to which the successor of Joseph Smith had fallen heir. He referred the President to Senator Douglas "for the best account of the charges in Illinois against Mr. Young, which, I presume, may be taken to mean divers bills ignored by different grand juries in the circuit over which Judge Douglas presided, and which included Nauvoo and the Mormon precinct." "I have equal pleasures," the colonel continues, "in directing your attention to the fine refutation of the charge of "insult to the California emigrants," afforded by the cards of emigrant companies, pub-

lished in various western newspapers, thanking the Mormons for hospitality and succor in distress."

The rest of the letter is largely devoted to the defense of the loyalty of Brigham Young to the Union as manifested in the Battalion affair, and other circumstances already considered in a precious chapter.[29]

Now to conclude this subject: Judge Snow, the sole remaining justice of the supreme court in the territory was authorized by act of the legislature to hold court in all three districts into which the same act divided the territory, "until a full bench of the supreme court of the United States for the territory of Utah shall be supplied by the President and senate of the United States."[30]

At the first session of his court, Judge Snow examined and reviewed the proceedings of the governor of the territory in calling the legislative assembly, "and held them to be legal, though somewhat informal." This was reported to the department of state of which Daniel Webster was then the secretary. "He" says Judge Snow, "sustained Governor Young and myself."[31]

29. The only point at which the Colonel's splendid defense of Governor Young shows any weakness in the light of subsequent events, is in the matter of the practice of plural marriage by President Young and some other of the Utah colonists. He rather evades the issue presented, but implies monogamy as the marriage relation maintained by Governor Young; and as it is generally assumed that the Colonel's intimacy with the Mormon leaders at Council Bluffs, in 1846, must have made him aware of the existence of the plural wife relations among them, he is viciously assailed as a prevaricator in these letters to President Fillmore, by anti-Mormon writers. The letters are published in *extenso* in *Mill. Star*, Vol. XIII, pp.341-344). It is quite within probability, however, that the Colonel was not so far taken into the confidence of the Mormon leaders as to be made aware of the plural marriage relations existing among them when he was their guest for some months on the banks of the Missouri, nor made aware of it since their arrival in Salt Lake valley; for it must be remembered that the doctrine of plural marriage had not even yet (1851) been publicly proclaimed as a doctrine of the Church. I judge Col. Kane's lack of knowledge of the matter to be the true solution of his position in the Fillmore letters; and, if he had a share in responsibility for the Grant-signed letters—as I believe him to have had—then in those letters also; for there the question is discussed very much from the same point of view, except that at one point the argument, and for the sake of the argument, granting the charge of plural marriages to be true,—"whose business is it?" the letter writer asks. "Does the Constitution forbid it? Is there anything in the act for the government of the territory forbidding it? And where else can we find it written down as a crime?" The subsequent announcement of the institution by the Church, as we shall see, did not deprive the Utah colonists of the friendship of Col. Kane; doubtless, because at that time, the plural relationship was not unlawful in Utah

30. Approved Oct. 4, 1851, Utah Enactments, 1851.

31. Excerpt from a letter of Judge Snow's published in *Tullidge's History* of Salt Lake, 1885, p. 94.

How far this was true may be judged somewhat by the fact that President Fillmore nominated Orson Hyde for one of the vacancies of the supreme court of Utah, but the nomination was not confirmed by the senate, because it appeared that Hyde was not a professional lawyer.[32] This appointment was doubtless made by the President in deference to the petition both of the territorial legislature and of the colonists of Utah. The legislature in the early days of its first session—on the 29th day of September, 1851, to be exact—petitioned the President that in filling the vacancies occasioned by the departure of the retiring officers, and in order to avoid the recurrence of the inconveniences and embarrassment occasioned by such departure—"to appoint men to fill the aforesaid vacancies who are indeed residents among us."[33] The petition of the people, to the same effect was forwarded in May, 1852, and bore 3,488 signatures.[34]

President Young himself took very strong ground on the issue raised by the action of the runaway federal appointees.

Dr. Bernhisel was disposed to be dispondent over the course of events in respect of the territory, whereupon Governor Young wrote him a most noble spirited letter; and as it will materially aid the reader to understand future events to be dealt with in this history, and as it throws a strong light upon the character of Brigham Young, and the spirit in which Brigham Young at his best worked, and as it has nowhere else been published, so far as I know, I consider it

32. "Regular bred lawyer" is President Young's way of putting it in his journal history. He also adds: "President Kimball could have been appointed if he had been a limb of the law. Dr. Bernhisel regarded the nomination of Elder Hyde by President Fillmore as a great triumph, because it showed the President discredited the report of the fugitive officers and by that act placed the seal of his condemnation upon the same." Hist. of Brigham Young *Ms.*, entry for Sept., 1852, p. 10.

33. Congressional Globe, Vol. XXV, new series, pp. 92-3. The paragraph dealing with the question is worth reproducing: "Feeling cautious against any possible future removals like those which now embarrass us with the want of the territorial seal and funds to meet constantly-accruing expenses, and also the want of a full supreme court of the United States for Utah Territory, and desirous to dwell in peace and unfeigned loyalty to the Constitution and general government of the United States—your memorialists do therefore pray our highly-honored Chief Magistrate to appoint men to fill the aforesaid vacancies, by and with the consent of the Senate, who are indeed residents among us, in order that we may enjoy the full administration of every department of government speedily as the prosperity of the Territory shall require. And your memorialists, as in duty bound, will ever pray."

34. Hist. Brigham Young, Ms. entry for May, 1852.

necessary to produce it here, *in extenso,* as it is recorded in the journal history.

"*Feb. 22nd* [1852]. The mail arrived from the east on the 22nd. Letters from Dr. J. M. Bernhisel, Washington, were received as to the reported difficulties in Utah between U. S. officials and the governor and inhabitants of the territory.

"On the 28th, I wrote to Dr. Bernhisel that we did not feel anywise alarmed as to the final issue of the matter. The government might, if they saw proper, be so influenced by the returned officers as to take strong ground against us, sending troops to over awe us, and governors and judges to rule us; but the people of Utah would certainly protest against such proceedings, if any such were contemplated.

"We had dug our way into these mountains where none but the destitute Mormon, who, being instructed by his past, sad experience of the danger of seeking a location on the rich and fertile lands of the United States, sought out and had settled—in the language of Captain Stansbury—that 'God forsaken country in which none but a Mormon could live;' and even preferred these wild and barren wastes to the rich vales of California or the sunny south, for the love of quietness and peace.

"I reminded the Doctor that we had lived before the Territorial charter was extended to us, and that we could do so again, though we would like to have it continued if it could, upon righteous principles; but if not, the people would re-adopt the provisional government of Deseret, and apply again for admission as a free and sovereign state, and recall their delegate.

"As for my own feelings I was perfectly assured that all would be right, when matters were explained and considered; but suppose the reverse should happen, and we again were compelled to seek another location to free ourselves from bondage and oppression, and though many of us might fall into our graves, victims to exposure and hardships thereby encountered, if our work is accomplished, and the Lord wills it, all right; to die is nothing. I should a thousand times rather encounter the 'grim monster' than to have my religion, and the love and adoration which I feel towards God became of secondary consideration with me. And I wished all men, whether presidents, or kings, congressman or noblemen to know, that I sought first the mind and will of God, and all my acts had to become subservient thereto.

"I also reminded Dr. Bernhisel that all the rights and immunities we sought might be enjoyed under the wise and faithful

administration of the laws and glorious constitution of the United States which was designed to shield the sincere worshipper of every religion, and also guaranteed the free expression of sentiments and opinions upon any subject, whether religious or political, that might arise for the consideration of any person. These were privileges of which I was not willing to be denied, and for the enjoyment of which I would seek a shelter in some far distant corner of the earth's surface, where the bleak, barren and inhospitable features should be so apparent, as to cause the cupidity of the most eager aspirant to revolt, and leave this so recently and so ardently sought asylum to its wonted desolution, without an inhabitant to sing the requiem of departed liberty.

"I exhorted the Doctor not to be afraid to tell the President, nor any other person, whether in or out of congress of our rights as free people, who are not indifferent to the majesty and glory of our common country, and who are and ever have been its true supporters; and that now to be accused of defection, and required to send a block of marble to the Washington Monument as a test of our loyalty, was an insult not to be borne nor easily forgotten."[35]

The friends of the Utah colonists in Washington at that time, including in the number the powerful secretary of state Mr. Webster; ex-vice-president Geo. M. Dallas, later to be United States Minister to the court of St. James (1856-1861); Colonel Kane, and as yet, senator Stephen A. Douglas, were too strong at Washington for the opponents of the Saints, and this important incident in the history of Utah and of the church of the Latter-day Saints, was brought to a close by Mr. Webster addressing a letter to the runaway officials requesting them to repair forthwith to the scene of their duties or resign.[36] They chose the latter alternative and their successors were appointed as already recounted; and although this second group of appointees were not residents of Utah, they were not unfriendly to the Saints. Dr. Bernhisel in announcing the appointments

35. (Hist. of Brigham Young Ms., 1852, pp. 11-13). A block of Utah stone, oolitic lime stone, was finally sent to be placed in the Washington monument, namely, in 1853. There was carved upon it the Bee Hive beneath which was the word "Deseret," "Holiness of the Lord," and other emblems cut by a Mr. Ward, and forwarded in compliance with the resolution of the State of Deseret referred to in a former chapter. See Liverpool Route, p. 108. Also Hist. of Brigham Young *Ms.* for 1853, p. 50.

36. *Deseret News* of June 12, 1852.

to Governor Young said the new appointees were "gentlemen who were highly recommended for integrity and high, moral character, and as being unprejudiced. The delegate added that "President Fillmore was our friend and had done all he could for the interests of Utah."[37]

Some time previous to this—in July—the Utah delegate wrote Governor Young to the effect "that although the returned officers had been beaten at every point, and their libelous report was not noticed by congress, [still] Utah did not stand as well in the eyes of the nation as before the explosion."[38]

NOTE 1: THE BROCCHUS INCIDENT FROM WILFORD WOODRUFF'S JOURNAL: "Monday morning, 8th [i. e., of September, 1851]: Judge Brocchus requested the privilege of addressing the people. It was granted him. He arose and commenced his speech by testifying of his kind reception among this people. He had been sick among them and been kindly treated; the flies had been brushed from his face by a lady, and he was thankful. He referred to the judiciary and requested the people to sustain it, and professed to be very sorry that he was going to leave it. He then referred to a report in circulation that he came here for the prospect of being returned a delegate to Washington and other things that were reported against him, &c. He then took up the subject of his appointment and said that President Fillmore had appointed him although he [Brocchus] was a Democrat, and said he should not have received his appointment had he not been a capable, virtuous, good man. He then addressed the ladies upon the subject of the Washington monument, wished them to procure a block and to present it to Washington. Also wished them to donate for the building of the monument; talked much about the virtues of Washington and his battles and good deeds. He spoke of the persecution of the Saints, considered them badly treated. Sent to Winter Quarters where our dead was buried and had a sprigot of myrtle plucked. He carried it in his bosom; it was now dried up. He showed it to the congregation. In speaking to the ladies said he hoped *they would become a virtuous people*. He did not wish them to send the block of marble unless they could do it in full fellowship with each of the separate states. He had read something

37. Hist. Brigham Young, Ms. entry for September, 1852, p. 80.

38. Hist. Brigham Young, Ms. entry for July, 1852, p. 62. "This," continues President Young's narrative, "the Dr. regretted the more as it would seriously affect us in obtaining needful and desirable appropriations for our distant and dependent Territory." *Ibid.*

casting reflections upon the United States government concerning our persecutions. But he would defend the government as long as he had a tongue to speak or hand to lift. And said the government could not do anything for us as they had no power. But if we wanted redress of our wrongs apply to Missouri and Illinois where we had received our [wrongs] (this part of his speech stirred the blood of the whole congregation). Much was said by the speaker which was calculated to stir the blood of the people and offend them. Then he closed.

"President Young then arose and said that Judge Brocchus was either profoundly ignorant or willfully wicked, in presenting some sentiments which he had to the assembly that day; and had he supposed for a moment that he was going to throw out a challenge upon that stand in a religious meeting and present such sentiments as he had he should not for a moment have given his consent to have had him speak on that occasion. He said several stood by and wished to take up the challenge given by the judge. But he would not permit of it, for some might get their hair pulled if not their throats cut. And he would not have it. He wished this meeting to adjourn until afternoon and present business in the capacity of a conference for which the meeting was called. Meeting adjourned."

NOTE 2. "THE OLD COUNCIL HOUSE AT SALT LAKE CITY:" This was the first permanent public building erected in Salt Lake City. It was of red sand stone, 45 feet square and two stories in height. A large hall and two office rooms occupied each floor. The structure was begun on the 26th of February, 1849, (History of Brigham Young *Ms.* entry February, 1849, p. 23) and completed by December, 1850. It was designed as a "general council house" for the church; but was also used by the provisional state of Deseret as a "State House." During the early days of Utah the Territorial legislature met there, and for a number of years it housed the Territorial public library. It was also used for sacred purposes; under instructions from President Young, Heber C. Kimball on the 7th of July, 1852, resumed the administration of endowment ordinances to the Saints which privilege had been suspended since the expulsion from Nauvoo. (Hist. Brigham Young Ms. entry for July, 1852, p. 62). It was also occupied by the "University of Deseret, for a number of years, beginning in March, 1869. It was destroyed by fire on the 21st of June, 1883. The Council House stood on the corner of East Temple and 1st South street, the site now occupied by the *Deseret News* Building.

Historic Views and Reviews

John Jacob Astor

The New York Genealogical and Biographical Record, Vol. XLIV, No. 1, January, 1913, has a brief but excellent biographical and genealogical sketch of Colonel John Jacob Astor, a member of the Society, elected March 28, 1905. His biographer, Capt. Richard Henry Greene, the necrologist of the society, opens the sketch in the following words:

"Bishop Sterne has said: 'Death opens the gate of fame and shuts the gate of envy after it.' A recent public calamity brought the name of Col. John Jacob Astor into a foremost place—for when the *Titanic* sank in mid-ocean on the 15th of April, last, in that sudden and awful ending of the giant-ship with its myriad souls of every class, which shocked the entire world, he proved himself a hero. Longfellow's beautiful lines came to me as I read of his unselfishness:

'Better and purer and fairer,
The spirit of self-abnegation,'

and Bret Harte echoed all the world's verdict on Jim Bludsoe of the Prairie: 'For Christ 'aint going to be too hard on a fellow who died for man.' While the scripture tells us, 'All that a man has will be given for his life,' and we have all seen it proved, again and again, yet when in the midst of excited thousands, madly shrieking, praying, cursing, fighting selfishly to save themselves, any one quietly awaits death, surrendering his place to women and to strangers, and steps back on a sinking vessel without a hope or a friend, I say: It was heroic, it was sublime!"

The number has as a frontispiece, an excellent portrait on steel of Colonel Astor, and contains besides this interesting sketch, an unusual amount of data relating to other American families.

The editor, Hopper Striker Mott, announces the death of Ellsworth Eliot, M. D., a trustee of the society, at his home, 48 West

36th Street, New York, December 9, 1912, in his 86th year, at the time of his death the oldest member of the society, and that an obituary of Dr. Eliot will appear in the April RECORD.



JASON BROWN DIES AT 90.

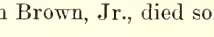
AKRON, O., Dec. 25, 1912.—Jason Brown, ninety years of age, second son of John Brown, famous as the leader of the raid on Harper's Ferry, West Virginia, at the outbreak of the civil war, died here last night.

He was actively engaged in recruiting and enlisting a company of negroes from among those smuggled into Canada by the "underground railroad," when the Harper's Ferry incident occurred. A younger brother, Salmon Brown, lives at Portland, Ore.

Jason Brown, while in personal appearance one of the mildest of men, was a man of most determined courage. At one time a mob of 500 Missourians, made all preparations to hang him. He defied them, and at the last moment was rescued by a company of U. S. troops. Two of his brothers were killed at Harper's Ferry. Another, John Brown, Jr., died some years ago at Put-in-Bay, Ohio.

Jason Brown was born in Hudson, Summit Co., Ohio, January 19, 1823. He married Ellen Sherbondy, who died in 1895. Their children were Austin, Frank and Charles P. Charles P. Brown is the sole survivor, and is now living in Akron, Ohio.

WILLIAM S. PELLETREAU.



THE LAST ACTUAL SON OF THE AMERICAN REVOLUTION

The New York Times of Jan. 11, 1913, prints the following notice which is of historic interest to the readers of AMERICANA: Dr. David Charles Whaley is dead at Pomeroy, Ohio. He was 85 years old, and was the last man alive who could boast being an actual son of the American Revolution. His father was a soldier in the struggle for independence and was 78 years old when his son was born.

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ONLY three comparatively exhaustive collections of American Biography have appeared in this country. One published in six volumes and including over 10,000 names was begun in 1886; one the publication of which began in 1892 and was completed in 13 volumes; and one of 7 volumes issued 1896-1903. Of these works, Mr. Brown, our present editor-in-chief, was a contributor to the first; managing editor of the first five volumes of the second; and editor-in-chief and literary director of the third. These three works are to be found in all the large reference libraries in the United States.

The American Historical Society has selected Mr. Brown to act as editor-in-chief of an entirely new work, "American Biography: A New Cyclopedia," to be issued in ten volumes, based on none of its predecessors, but necessarily having all the desirable features that are prominent in each. The new work will give special prominence to names not to be found in any previous work, but names as justly entitled to prominence as the 15,000 recorded in its predecessors. Ten thousand of these lives are closed and the dates of their deaths recorded. Their reputation as nation builders is secured, and their places in history is already well defined. If this work delves in the past, it will be only to rescue from oblivion in order to enrich future history and give new names that will prove both interesting and edifying to the present generation, names of men and women who have done equally good work but whose environments or modesty forbade publicity at the time their work was accomplished. They are known only in limited circles, but their memory is cherished by admiring descendants, and the record of their lives and work, unknown except to the custodians of family manuscript, is unavailable to the general historian. The bulk of this new work, however, will be the records of men and women who have done their work and won a place in history during the last two decades; the completing of records of unfinished lives, and the introduction of men and women whose work began since the opening of the twentieth century. The older biographical works will furnish all the sketches that could not be improved by revision. The libraries contain copies of these works, available to the student of biography and history. The new work will stand unique as unencumbered by stereotyped sketches made familiar by constant repetition and known almost by rote by every schoolboy; and placed in their stead will be the records of new men and women who have won by their work a place of equal prominence.

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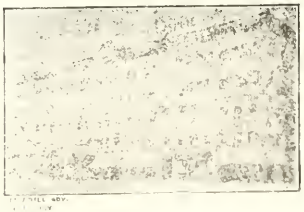
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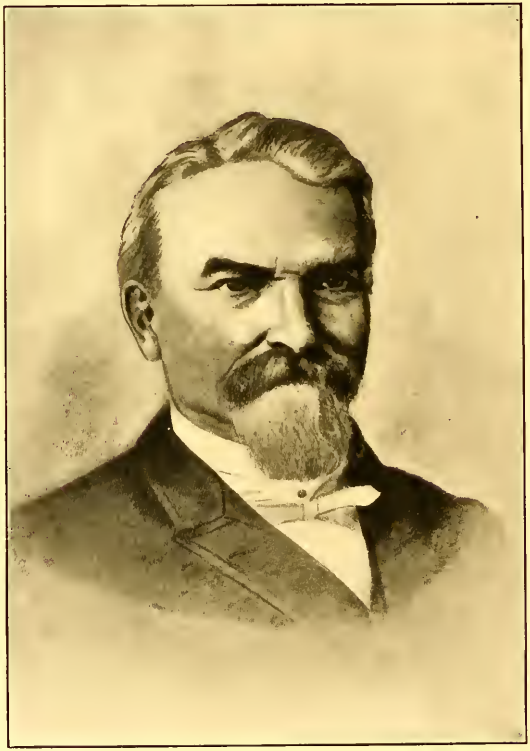
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W. R. Doolittle

AMERICANA

November, 1913

The United States of America in the Light of Prophecy as Well as of History

BEING LECTURE DELIVERED BY JAMES ROOD DOOLITTE, WHILOM JUDGE OF THE CIRCUIT COURT OF WISCONSIN, AND FOR TWELVE YEARS, FROM 1857 TO 1869, UNITED STATES SENATOR FROM THE STATE OF WISCONSIN.

James Rood Doolittle, senator, was born in Hampton, New York, January 3, 1815; son of Reuben and Sarah (Rood) Doolittle; and sixth in descent from Abraham Doolittle, sheriff of New Haven county, Connecticut, in 1648. He was educated at Middlebury Academy, Vermont, removed with his father to Weathersfield Springs, New York, and was graduataed at Geneva (Hobart) college, New York, at the head of his class in 1834. He was admitted to the bar, and practised in Rochester and Warsaw, New York. In 1847 he introduced the "Corner Stone" resolution upon which the Free-soil party was formed. He was district attorney of Wyoming county, New York, 1845-51, and colonel of the state militia. He removed to the state of Wisconsin in 1851, was elected judge of the first judicial circuit in 1853 and resigned in 1856. The legislature of Wisconsin on January 23, 1857, elected him a senator in congress and he was re-elected in 1863, serving until March 4, 1869. He wrote the call for the national convention that nominated Abraham Lincoln in 1860 and is the author of the famous epigram at the time of Lincoln's renomination in 1864: "I believe in God Almighty and under him I believe in Abraham Lincoln." He was a member of "the senate committee of thirteen" to arrange for a compromise of the differences between the North and South in December, 1860, and in 1861 he was a delegate to the peace convention. In 1866 he was requested by the legislature of Wisconsin to resign his seat in the senate on account of his support of the policy of President Johnson, but declined to do so. In 1865, as chairman of the committee on Indian affairs, he was a member of the special senate committee to investigate the condition of the Indians west of the Mississippi, and in the vacation of 1867 he was sent by the government to Copenhagen and St. Petersburg. He voted against the adoption of the 15th amendment to the constitution on state rights grounds, and insisted that the act of secession passed by a state did not cause it to cease to be part of the United States. At the close of his second term in the senate he resumed his residence at Racine, Wisconsin, practising law in Chicago, Illinois. He presided over the Union national convention at Philadelphia in 1866, and over the Democratic national convention at Baltimore in 1872. He was a trustee and acting president for one year of Chicago university and for several years was a professor in the law school attached to the institution. He received from Hobart the degree of A. M. in 1837 and that of LL.D. in 1854, and also received that of LL.D. from the Racine college, Wisconsin, in 1887, where he was

professor of legal sciences, 1858-59. He died at the home of his daughter at Edgewood, Cranston, R. I., July 27, 1897. His principal literary work was a treatise on "The United States in the Light of Prophecy," which treatise is now first published, the MS. having been preserved among his correspondence and other interesting historical and political data, much of which has appeared from time to time in AMERICANA and other historical publications as contributions from his literary executor, Duane Mowry, Esq., and he now favors this magazine by making it the medium of its publication.

CONTRIBUTED BY DUANE MOWRY, LL.B.

LADIES and Gentlemen:—I appear before you on this occasion, neither as a teacher to instruct; nor as a mere orator to please;—I aim at something higher than that; nor yet do I assume the character of a prophet; although it is my purpose to open the Book of Prophecy, and to look boldly into its sacred pages. If, while doing this, I may give utterance to some thought calculated to inspire the hearts of these young men and young women around me, with a deeper consciousness of that high destiny, to which, under God, the American Republic is called, as a power among the nations of the Earth; and if, at the same time, I may lift the thoughts of these men and women in middle life and more advanced years above the strifes, interests, and passions of the passing hour, and enable them to look out upon this beloved land of ours, in its past, present, and future, from a higher standard than the rostrum of a presidential canvass, or the forum of the Senate even;—and if, by doing so, I may awaken in all here, a pure and lofty patriotism, something akin to religious enthusiasm, in a word, ladies and gentlemen, if I may say anything to strengthen your faith in the perpetuity of our republican system of government, I shall rejoice, and doubly rejoice, at my coming here to address you.

The ultimate destiny of this Republic; its true position in history; the part it is to play now, and hereafter, among the powers of the Earth is to me the great and all-absorbing question, aye, ladies and gentlemen, that's the question of all other questions, which the American patriot and the American Christian is most concerned to know.

To solve that problem, it is not only our right, but our duty, to bring to bear upon it, so far as we may be able, the whole power

of human reason, the light of all history, and, if it be possible, the light of revelation.

To the reason of the statesman, and to the love of the patriot, I would join the faith of the Christian. In all ages, great stars have occasionally appeared in the political heavens, which may be called providential men—founders of states and dynasties, These men seem endowed with almost superhuman powers,—it instruments to fulfill the purposes of Him who setteth up kings, and removeth them at his pleasure, the Lord of Lords and King of Kings. These men are not only conscious of being His ministers—holding, under Him, the political destinies of the world, but they actually seem to have an insight and a foresight in political affairs bordering upon inspiration. I might go further and say, that the most gifted of these great men have, at times, been moved by a kind of Inspiration. Great importance, therefore, is always attached to the savings and predictions, even, of these men. What an immense power does that remarkable paper called "the will of Peter the Great" exercise on the empire of Russia! The sayings and predictions of the First Napoleon, Napoleonic ideas and policies ruled France for half a century. With what veneration do we accept the words of Washington, whether of advice, or warning, or prediction, as if he were politically inspired! The same may be said of Abraham Lincoln. But if we accept the Bible as divinely inspired, and all Christians do, there is our vision of the political affairs and destiny of mankind, which stands before, and pre-eminently above all others. It is recorded in the Holy Scriptures. It has been interpreted by Daniel, the great prophet of the old dispensation. It is the historic dream of all the ages—divinely inspired and divinely interpreted—the political vision of Nebuchadnezzar. In opening this Holy Book, in the presence of those around me, I would have it distinctly understood that I do so as a layman, not as a theologian, as a lawyer, statesman, if you please, and not as a priest. And I disclaim altogether any new or supreme knowledge of its import, beyond what a fair interpretation of its language, viewed in the light of history, and the events of our own time would impart. I would only exercise the privilege of the humblest citizen in this land, of looking boldly,

yet reverently, into that Book, which for ages, by the clergy upon the one hand has been supposed to relate too exclusively to man's religious state, and on the other hand, by the politician and statesman has been either rejected altogether, or suffered to remain a sealed book:—as if it shed no prophetic light upon man's political state, or his relations to the governments of the earth or their relations to each other.

The Bible informs us that nearly two thousand five hundred years ago, the greatest warrior, statesman and monarch of the Eastern World had a vision of what should come to pass thereafter in the governments of the world, "in which the God of Heaven made know to him what shall be in the latter days." Before considering the vision or its interpretation by the prophet, let me remind you who Nebuchadnezzer was, and of the empire over which he then reigned as absolute monarch, and of the great city where he had his chief palaces.

The Assyrian empire, including both the first and second empire, from the best accounts which come down to us, had at this time existed about fourteen hundred years. It had undoubtedly been the ruling power of the world for more than a thousand years. The city of Babylon was then its capital. Its walls were three hundred and fifty feet high, eighty-seven feet thick, and sixty miles in length around the city. On the west side of the city there was excavated an artificial lake forty miles square and thirty feet in depth, to receive the waters of the Euphrates in times of flood and prevent the inundation of the city. There were also its temples, and hanging-gardens, terraced one above another, upheld by immense stone arches upon arches three hundred and fifty feet high; so high as to overlook the outside walls of the city, and which this same monarch had made to imitate the mountains of Media to please and gratify his wife who was a Mede by birth.

In this railroad age where so much capital, energy, and skill are employed in the construction of great public works, perhaps I can in no way, so forcibly remind you of the power, riches, and resources of that empire, as to state in round numbers the cubic yards of masonry in the walls of Babylon, and the amount of excavation necessary to form that immense artificial lake, or

reservoir, for the waters of the Euphrates. There would be over three hundred and thirty millions of cubic yards of masonry in the outside walls alone; and, there would be required an excavation of nearly fifty-eight billions of cubic yards of earth, which, at twenty cents per yard—a very low estimate—would require an expenditure of $11,000,000,000.

It is estimated that there is about six or seven billion dollars of gold and silver in the circulation medium of the world. So that, if considered as a financial question, all the money of the world, at this day, would not half pay for the construction of the walls of Babylon and its immense artificial lake. This seems almost incredible. But Herodotus, Diodorus, Megasthenes, Zenophon and other ancient historians give such particular accounts of the city of Babylon that it demands our belief, however humbling it may be to human pride to know that at this day, hardly a vestige of the great city still exists. The voice of the Almighty by the Prophet Isaiah (XIII-19-22 and XIV-23-24) addressed to Babylon twenty-five hundred years ago, said: "Babylon, the glory of kingdoms, the beauty of the Chaldees' excellency, shall be as when God overthrew Sodom and Gomorrah. It shall never be inhabited, neither shall it be dwelt in from generation to generation: neither shall the Arabian pitch tent there; neither shall the shepherds make their fold there; but wild beasts of the desert shall lie there; and their houses shall be full of doleful creatures; and owls shall dwell there, and satyrs shall dance there. I will make it a possession for the bittern, and pools of water; and I will sweep it with the besom of destruction, saith the Lord of Hosts; The Lord of Hosts hath sworn, saying, surely as I have thought, so shall it come to pass; and as I have purposed, so shall it stand." This prophecy made of Babylon while at the zenith of her power, is now so literally fulfilled that until recently the best geographers could hardly point out the spot where it stood; yet we are satisfied upon evidence, sacred and profane, of a character perfectly overwhelming, that Babylon did once exist, and was the capital of a mighty empire, over which Nebuchadnezzar reigned in the days of Daniel, the Prophet, of whose power, dominion, resources, wealth, and magnificence, we at this day, can hardly form a conception. That was

the kingdom on which he reigned supreme, and that was the king to whom the God of Heaven gave the vision to which I now call your attention in the language of the Prophet. (Daniel II. 29, 31-45.) "As for thee, O King, thy thoughts came into thy mind upon thy bed, what should come to pass hereafter; and he that revealeth secrets maketh known to thee what shall come to pass: Thou, O king, sawest, and behold a great image. This great image, whose brightness was excellent, stood before thee, and the form thereof was terrible. This image's head was of fine gold, his breast and arms of silver, his belly and his thighs of brass, his legs of iron, his feet part of iron and part of clay. Thou sawest till that a stone was cut out without hands, which smote the image upon his feet that were of iron and clay, and break them to pieces. Then was the iron, the clay, the brass, the silver, and the gold, broken to pieces together, and became like the chaff of the summer threshing-floors; and the wind carried them away, that no place was found for them: and the stone that smote the image became a great mountain, and filled the whole earth. This is the dream; and we tell the interpretation thereof before the king. Thou, O king, art a king of kings: for the God of heaven hath given thee a kingdom, power, and strength, and glory. And wheresoever the children of men dwell, the beasts of the field, and the fowls of the heaven, hath he given into thine hand, and made thee ruled over them all. Thou are this head of gold. And after thee shall arise another kingdom inferior to thee, and another third kingdom of brass, which shall bear rule over all the earth. And the fourth kingdom shall be strong as iron: forasmuch as iron breaketh in pieces and subdueth all things; and as iron that breaketh all these, shall it break in pieces and bruise. And whereas thou sawest the feet and toes, part of potter's clay and part of iron, the kingdom shall be divided; but there shall be in it of the strength of iron, forasmuch as thou sawest the iron mixed with miry clay. And as the toes of the feet were part of iron, and part of clay, so the kingdom shall be partly strong, and partly broken. And whereas thou sawest iron mixed with miry clay, they shall mingle themselves with the seed of men; but they shall not cleave one to another, even as iron is not mixed with clay. And in the days of these kings shall the

God of heaven set up a kingdom which shall never be destroyed: and the kingdom shall not be left to other people, but it shall break in pieces and consume all these kingdoms, and it shall stand for ever. Forasmuch as thou sawest that the stone was cut out of the mountain without hands, and that it brake in pieces the iron, the brass, the clay, the silver, and the gold; the great God hath made known to the king what shall come to pass hereafter: and the dream is certain, and the interpretation thereof sure."

I know not why it is, but every great drama embraces five acts or principal parts. It may be the result of poetic inspiration; it may have come from tradition; or it may have followed the example of the first and greatest of all dramas, the divinely inspiried, and divinely interpreted drama, divided into five grand acts or parts. Its theatre is the whole world; its leading characters are its ruling empires; its change of scene is a change of continents; and its full development embraces all time and the political destinies of the whole human race.

Those parts or acts, in their order, stand as follows:

I. The Golden Kingdom;

JI The Silver Kingdom;

III. The Brazen Kingdom;

IV. The Iron Kingdom, with its subdivisions into ten lesser Kingdoms of Iron and Clay; and

V. The Kingdom of the Stone, which is to overthrow all others, which is to be the last, and which is to be perpetual.

It is my purpose, in the first place, by a brief glance at history and a reference to some of the best writers upon prophecy, to show that the scenes of the first two acts of the Drama, in which the golden and silver kingdoms appear as principal characters, are mainly laid in Asia, and that those characters are the Assyrian and Medo-Persian kingdoms; that the scenes of the third act, in which the brazen kingdom is the leading character, are mainly laid in Southeastern Europe, in Egypt, and in Asia Minor, and that the Grecian kingdom is that character; and that the scenes of the fourth act, in which the kingdom of iron with its subdivision into ten lesser kingdoms of iron mixed with clay, is the leading actor, are laid, principally, in Europe, and that the

Roman power with its subdivisions into the lesser kingdoms, and which now constitute the present kingdoms of Europe, is the leading character. And it will then be my purpose to inquire, as the curtain rises upon the scenes of the fifth and last act in this sublime drama, upon which Continent are these scenes laid, and what political power among the nations of the earth is to appear in that act in the great character of the kingdom of the stone?

Are not these scenes laid on this Continent? In this New World? And is not the American Republic already the light of the nations, although yet in infancy, and having lately passed through its second baptism of blood and fire, to act the part of that great character, The Kingdom of the Stone? To these questions, before I conclude, I shall respectfully invite your earnest attention.

As to the first, or golden kingdom, represented by the head of fine gold, there can be no dispute; for the prophet says, in express words, to the King of Assyria: "Thou art this head of gold." In Asia, most of the scenes of the first act were laid. And the name of Babylon, the capital of the Assyrian Empire, appears as the primeval seat of political society, the cradle of civilization. The Assyrian Kingdom ruled the world for more than a thousand years.

As to the second, or silver kingdom, represented by the breast and arms of silver, there has been no controversy, either among Jews or Christians. It is, beyond question, the Medo-Persian Kingdom, established by Cyrus the Great, who, after a long siege, took the city of Babylon, at the time of the feast of Belshazzar, twenty-three years after the death of Nebuchadnezzar. "Thus far," says Bishop Newton, "all critics and commentators are agreed." In the second act of this historic drama, the scenes are mainly laid in Asia, sometimes reaching to Egypt, and through Asia Minor into Greece. But the second, or Medo-Persian Kingdom, never, like Assyria, attained to universal dominion. The second kingdom was inferior to the first.

But third: The prophet, speaking of the third, Kingdom of Brass, says: "It shall bear rule over all the earth." It is universally known, that, as the Babylonian Kingdom was over-

thrown by the Medes and Persians, who, under Cyrus, were consolidated into one empire, so the Medo-Persian Kingdom, in its turn, was overthrown by Alexander the Great, at the head of the Grecian army. The dominion established by the Greeks was fitly called the kingdom of brass, for the Greeks were famous for their brazen armour, their usual epithet being Χαλκω Χιτωνες Αχαιοι —brazen coated Greeks. The Grecian Empire became *universal.* Alexander commanded that he should be called the king of the whole world; and it is said of him, that he wept because he could not be the conqueror of another. The scenes of this third act were enacted in Southeastern Europe, Egypt, Asia Minor and Asia. Alexander, like Cyrus before him, took Babylon, the capital of the old Assyrian Empire. At the very moment when that great conqueror was preparing to re-establish that first of cities as the capital of his empire, he fell sick. He was taken to the palace built by the father of Nebuchadnezzar, and there, in the first capital of the first great empire of the world, the third conqueror of the earth breathed his last.

Fourth: "And the fourth kingdom," says the prophet, shall be strong as iron: forasmuch as iron breaketh in pieces and subdueth all things; and as iron breaketh all these, shall it break in pieces and bruise." I quote once more from Bishop Newton: "All ancient writers, both Jewish and Christian, agree with Jerome, that the fourth, or Iron Kingdom, was the Roman Power." History shows, that after the death of Alexander, his empire was broken into fragments;—at first, into four parts, and held by his generals. They, and their successors, waged war upon each other for the mastery with various success, until, in due time, the Roman Power, whose advancing legions took no steps backward, completely subjugated the whole Grecian Empire;—and advancing north and west, took also what no former power had subdued, viz; Spain, Gaul, Britain and Germany. It reduced all into Roman provinces, establishing new laws, new boundaries for states, and for provinces;—becoming, indeed, strong as iron, breaking in pieces and subduing all things, from the wall of Cheviot Hills, which separated England from Scotland, to the river Euphrates. This fourth act in the drama is a long one, covering, in point of time, nearly two thousand years,

its scenes are enacted in Asia, Africa and throughout Europe. Its division, first, into the Eastern and Western Empires, and its sub-division into the lesser kingdoms of Europe, are described in strong language by the prophet;—in which he clearly foreshadowed that remarkable system, which, for many centuries, has governed European affairs, called, in the language of our day, "*the balance of power;*" "and whereas thou sawest the feet and toes, part of potter's clay and part of iron, the kingdom shall be divided; but there shall be in it of the strength of iron, forasmuch as thou sawest the iron mixed with clay. And as the toes of the feet were part of iron and part of clay, so the kingdom shall be partly strong and partly broken. And whereas thou sawest iron mixed with miry clay they shall mingle themselves with the seed of men; but they shall not cleave one to another, even as iron is not mixed with clay."

The iron was mixed with miry clay. The old Roman Empire of iron was overrun by the barbarous nations of the North, by those wonderful and inexplicable migrations of whole nations of people, rather than by their organized military forces. It was the rushing in of innumerable hosts of men, women and children, like the overflowing of many waters; against which the Roman Legions could interpose no sufficient barriers. These barbarians mingled with the inhabitants of the empire, adopted to a considerable extent their laws, language, religion and customs, and produced that subdivision of the political power of Rome into ten lesser kingdoms, answering to the ten toes of the feet of the image, among which are embraced the Kingdoms of Europe of our day.

These Kingdoms have retained much of the old Roman strength and have manifested it on many occasions. They have mingled themselves with the seed of men. They have formed marriages and alliances one with another for a thousand years, as they continue to do at this day. But no solid or permanent union among these nations has ever taken place. During that long period each of the leading powers has struggled to obtain complete mastery in Europe, and thus to overturn the balance of power system and establish universal empire upon the Continent,—at times seemed almost to have obtained it, but did not.

An over ruling power always stood in the way. At one period Spain, at another Sweden, at another Great Britain, France under Charlemagne, and again under the first Napoleon seemed almost to reach it. The late Emperor, Louis Napoleon, full of the same ambition, rushed like a madman upon Prussia. Prussia ready for the struggle, like a giant crushed her assailant and trampled the military prestige of France under her feet. Instead of France dominating Europe the danger now is that Prussia, having found out her own strength, may yield to the same dreams of conquest which have led other European nations to attempt to destroy that system of independent nationalities in Europe, and to establish universal empire:—in a word —a European centralized despotism.

But fear not. A mightier than England, France, Austria, Russia, or Prussia established and still holds the balance of power in Europe;—and will prevent any one of the nations into which the old Roman Empire was divided, from establishing a universal empire, for God, the Almighty, had spoken it: "They shall not cleave one to another even as iron is not mixed with clay."

It will be observed that thus far we have only followed the commonly received opinions of all writers, ancient or modern, with few exceptions. And we venture to affirm that no human pen since all these events have transpired, with the lights of history, has ever traced, or could ever trace the outline of the world's history, in lines so clear, so definite, and so concise, as they were drawn by the prophet in interpreting this political vision of Nebuchadnezzer. But we have as yet, passed over only four acts in the great drama.

The fifth and last act is to be considered. It is the more important, and to us, as Americans, by far the most interesting part of this grand drama of the ages. In considering this I go one step beyond the commonly received opinions of writers upon prophecy. It has been thought by some that the fifth act in this drama was not to be like the four preceding ones, political, but that the church of the Christ who expressly declared "my kingdom is not of this world," in some one unexplained and undefined

way, in its organized capacity, is to overthrow all systems of human government, and be substituted in its stead.

Let us consider this for a moment. The Prophet, in opening the Fifth Act, uses this language: "Thou sawest till that a stone was cut out without hands, which smote the image upon the feet that were of iron and clay, and break them to pieces. Then was the iron and the clay, the brass, the silver and the gold broken to pieces together, and because like the chaff of the summer threshing-floors, and the wind carried them away, that no place was found for them, and the stone that smote the image became a great mountain and filled the whole earth." (Daniel II. 34-35.) The interpretation is given in these words: "And in the days of these kings, referring to the ten lesser Kingdoms of Europe, "shall the God of heaven set up a kingdom which shall never be destroyed, and the kingdom thereof shall not be left to other people; but it shall break in pieces and consume all these kingdoms and it shall stand forever; and the dream is certain and the interpretation thereof sure."

It must become in mind that most of the great men who have written upon people—by such as Bishop Newton, Sir Isaac Newton, and others, in England—lived and wrote at a period when this Continent—this new world—was regarded a far off wilderness of savages and wild beasts, and before this Colossal Republic, which is still in its infancy, had taken any position among the powers of the earth. Besides it is not in man, however gifted, to explain prophecy before its fulfillment. The most that we can hope for is, that by earnest study we may see what has been fulfilled in the past, and what is being fulfilled by the great events of our own day and generation. The curtain which concealed from human vision the scenes to be enacted in the fifth act of this great political drama had not been drawn aside in their day.

It is my purpose to show that the curtain is now drawn aside; that the fifth act is now in progress; that the Continent of America is where its principal scenes are laid, and that the United States of America, the great Republic of the World, is that government, political power, or kingdom, (which last named word in the original is the generic name equally applicable to

any form of human government,) which appears and enacts the character of the Kingdom of the Stone.

In the outset I wish distinctly to affirm that while I maintain this position, that I admit that the doctrine of Christianity underlies our system. Indeed, I would go further and maintain that our system of government, when properly understood and administered is, both in theory and practice, but the application to the science of government, in the only practicable or possible mode of the great command, "Thou shalt love thy neighbor as thyself." The Declaration of Independence, which asserts the equal rights of all men, the writings, speeches, and messages of our great statesmen prove this;—the often quoted language of General Jackson, almost unequaled for its beauty and simplicity, "Ours is a plain system, void of pomp, protecting all, granting favors to none, which dispenses its blessings like the dews of heaven, unseen and unfelt, save in the richness and beauty they contribute to produce;"—the words of Lincoln, and all similar expressions, so frequently heard on all sides, are but reiterations in the language of statesmen of the same cardinal doctrine, "Thou shalt love thy neighbor as thyself." Let no one, therefore, suppose that the view I have taken in the least degree underrates the influence of Christianity in preparing the minds of men for the establishment and maintenance of our Republican system of government. So far from it, I would maintain that our system is the outgrowth of Christianity, and of modern civilization—itself one of its golden fruits.

Our system of government, or one approximating it, presents the only practicable or possible mode by which, in the present state of human existence, Christianity can ever rule the governments of this world, or, in the language of the Bible, the only practicable way in which "the kingdoms of this world shall become the kingdoms of our Lord and His Christ."

As a practical political question, does any one suppose the church in her organized capacity, is to destroy all other systems and forms of government, and take the reins into its own hands? That the time will come when legislators, judges and executives shall be no longer known, and the duties of all these offices shall devolve upon bishops, priests and deacons? That idea, for

twelve hundred and sixty years, has been the dream of the Temporal Power. But that dream is over. The dogma of infallibility was declared one day, war against Prussia was declared by France the next. During the battle of the giants, Italy quietly made Rome the capital of Italy, and the Bishop of Rome is now no longer a temporal soverign, but simply a spiritual father in the Church. Again, does any enlightened man of this age suppose that the Church, as an organized body is to be united with the State, and in that way, and by such a union, to control the kingdoms of this world, or break them in pieces? Has not that system also been tried long enough to satisfy every thinking man that such a union of Church and State tends to corrupt both the Church and State;—to make politicians of priests, and, hypocrites of politicians?

How then can Christianity exert its proper influence upon the nations of the world? I answer, emphatically, not by making the Church the State and re-establishing a Theocracy, like that of the Jews; nor by uniting the Church with the State, corrupting both; but in keeping the State entirely free from all Church establishments, while giving equal rights and guaranteeing equal protection to all; and by placing the political power of the State in the hands of the people under a system like ours, and at the same time leaving the Church and its ministers absolutely free to preach the gospel to every creature, and thereby to elevate and purify the heart of every man, who has a voice in the government.

The language often quoted is, not that the kingdoms of this world shall be destroyed and the kingdom of Christ reign in their stead, but that the kingdoms of this world shall become the kingdoms of Christ. Another passage says that the kingdom shall be given,—not to the saints, but "to the people of the saints," which, in plain English, in the language of statesmen, means simply this, that in the fullness of time, the people shall rule all governments, and that, in the end, the great doctrine of Christ, viz: of equal rights and protection for all men, contained in the words, "thou shalt love thy neighbor as thyself," shall, so far prevail among the people as to control the administration of their foreign and domestic affairs, as to establish the equal

rights of all men and of all nations. "Peace on Earth and Good Will among Men."

Having noticed the only conceivable objections, I come now to consider more positive proof that this Republic is the Stone Kingdom, or Fifth Empire. "Thou sawest till that a stone *was cut out without hands,*" interpreted by Daniel to mean, "the God of heaven shall set up a kingdom." This by no means implies that it is to be done by miraculous interposition; for in this same chapter the Prophet declares in general terms of all nations, "it is the God of heaven who setteth up kings and removeth them at his pleasure."

But the truth of history is; no considerations of worldly aggrandizement, or of governmental policy controlled the first colonization of this country. That in the beginning, the United States of America received the richest blessings of the God of heaven and have been the object of His special care, must be seen and felt by all who have carefully read the history of their colonization, growth, development and Independence.

No person can read Bancroft's history of the settlement of New England, Pennsylvania, Maryland and other colonies without the most profound conviction, that take them all in all, the pilgrim fathers were most extraordinary men;—and, if it can be truly said of any men in all history, *these men* in the great rush of colonizing this country, were under the superintending providence of the Almighty. They relied on Him. They were influenced and controlled neither by human force, nor by considerations of selfish human policy. They were led by higher, nobler, purer and holier principles than ever before laid the foundations of human empire. Some faults they had, 'tis true. But taken all in all, they were great men;—brave men;—honest men;—Christian men. They came, neither for the "wealth of seas nor the spoils of war." They came to establish civil and religious liberty; and to realize them in actual life. There was no sufficient room for their development in the old world; they sought and found it in the new, in this new world which seems, in the providence of God, to have been reserved until that period and for that very purpose; ready to receive them into its waiting and yearning bosom as the mother takes her new born child.

We say, therefore, with emphasis: The God of Heaven did set up *here,* the Kingdom of the Stone.

Again:—The prophet in a single line, draws with unerring hand an outline of the form of the government in this kingdom, viz; "and the kingdom shall not be left to other people." In other words, the people shall govern themselves, self-government is the essense. If the prophet had used the language of our Constitution, and said the God of heaven guaranteed a Republican form of government to the Kingdom of the Stone, it could hardly be more clear or positive. This feature it is, which distinguishes our system from that of the old world of other ages, when it was said the people were made for their rulers, who derived their power not from the people, but from God. While here the government is made for, and its rulers are chosen by, the people themselves. With equal confidence, therefore, I affirm this language used by the prophet to describe the form of government in the Stone Kingdom cannot apply to any other than to a system of self-government; to any other than a Republic. And the United States of America is that Republic.

Again:—Once more let us recall the vision. "The stone smote the image upon the feet, and broke them to pieces. Then was the iron, the clay, the brass, the silver, and the gold broken to pieces together, and became like the chaff of the summer threshing-floors, and the wind carried them away that no place was found for them," which is interpreted by the prophet, "it shall break in pieces and consume all this kingdom." The United States, in enacting the part of the Stone Kingdom in this fifth part of the great drama, has already *in part* fulfilled this prediction; and it is fulfilling it with every revolution of the Earth.

The blow was to strike the feet of the image, which with the ten toes, as we have seen, represented the kingdoms of Europe, into which the old Roman Empire was to be divided. Sir Isaac Newton maintains that Chaldea and Assyria are still the first empire; that Media and Persia are still the second; that modern Greece, Asia Minor, Syria and Egypt are still the third; and that the kingdoms of Europe this side of Greece are still the fourth. While, if my views are correct, this New World of

America is the fifth; and the blow was to be struck by America upon the feet of the image, or upon the ten kingdoms into which Rome was to be subdivided west of Greece; and such has been the fact.

History shows that no sooner had our independence as a Republic been achieved; no sooner had our Republic been ushered into existence to take a position among the powers of the earth, based upon the doctrine of the Declaration of Independence, asserting the *equal rights of men,* and that governments derive all of their just powers from the consent of the governed, or in the language of the prophet; that government "shall not be left *to other people,*" but is a part of every man's business;—then the light of our example set the Continent of Europe on fire. It produced that most wonderful and terrible of political convulsions, the French Revolution of 1798, the end whereof is not even yet. Since that day every nation on the Continent has been *revolutionized;* and the conviction is growing deeper and stronger both in the midst of the people and of the rulers who govern them that other revolutions are to follow.

Even Russia, the most absolute of European powers, has been made to feel, and the late most enlightened Czar, Alexander II, in his speech to his nobles upon the abolition of serfdom in his empire, declared that "reform must come from above, that it may not come from beneath." And true to his generous and humane purpose, at a single blow, he struck off the chains which held in bondage twenty-three millions of serfs. And borrowing light from our example, he even proposed to some extent to change his whole government into a federal system, with a congress of representatives and nobles; and with separate legislative assemblies for the various provinces of his empire. What he has already done in abolishing serfdom, and has now done in freeing the Christians of European Turkey, places his name in history by that of Peter the Great. And should the latter purpose be carried out, he will do much to Americanize the Russian system, not in form, but in substance, by giving to each people the substance of a local self-government, without which all liberty is impossible.

France is again Republican in the form of its government.

And while that, at first, we were not fully assured, we are led to hope and believe that it may become so and remain so in substance and in fact.

Spain, of late, for a long time balanced between a Republic or a Monarchy, and while the latter form was at length chosen, the great idea that the people choose their own rulers was fully acknowledged.

The Temporal power has ceased to exist at Rome, and by the voice of the people of Italy that nation is now united with Rome for its capital. And Victor Emanuel reigned, and Humbert, his son, is reigning, by the will of the people of Italy, under a constitutional monarch and a responsible ministry, with a parliament like that of Great Britain,— almost a Republic.

While all Germany has lately been united under William as emperor, the German parliament, like that of England, is a place where the popular will is expressed and felt; and the ministry acknowledged their responsibility to the representatives of the people.

If, as I hope, France, instead of preparing for the next quarter of a century to invade Prussia with an army, shall maintain peace with all the world, and develop true Republican institutions, her example upon Prussia will be more powerful than a conquering army. And France will regain a moral ascendancy on the Continent of Europe, and will be foremost among the European nations in the new era of liberty and peace.

As to England herself: Every year she is becoming more and more Republicanized;—more and more Americanized, both in Church and in State, The people there have obtained complete control of the government, through the House of Commons;— to which Catholic as well as Protestant, Jews as well as Christians, may be elected.

In France, even under the empire, Napoleon the first, as well as Louis Napoleon, acknowledged the right of the people to elect their own rulers. Both claimed their right to the throne through the suffrages of the people.

In Italy, as we have seen, Victor Emanuel was chosen by the votes of the people to be their king. Everywhere the doctrine

of our Declaration of Independence, that rulers hold their powers only by the consent of the governed, has triumphed.

The Kingdoms of Europe, the ten lesser kingdoms into which the old Roman Empire was divided, are already, to a considerable extent, Americanized and Republicanized. The Stone has, indeed, smitten the feet of the image.

There was a time when the great rebellion in favor of slavery made the friends of constitutional liberty almost tremble for fear that the American Republic itself, might be overthrown. The tyrants and absolutists of the old world hoped and prayed that the Flag of the Stars might be torn in pieces, and disappear from their sight. And for a time, in the midst of our bloody civil war, they really thought the hour had come, and that their prayer was answered. But that Divine Being, who declared by the mouth of the prophet, "it shall stand forever," watched over this Republic, and gave it the supreme and final victory at last. And our standing and example is now more powerful among the nations than ever before.

The question may be asked, how and in what manner does the Republic of the United States smite the image upon the feet and break them to pieces? Is it by war? or by its example? by force, or by reason? I answer, not by armies of invasion, not by war and conquest, but by *the light of its example.* While a large portion of the press in Europe, controlled by monarchists, may deride our republican institutions, and exaggerate our faults—for faults we have; it is not in the power of the rulers of Europe to strike from the minds of the people of all the earth, the consciousness, that in the new world, there is a young and vigorous Republic, where the equal rights of all men are acknowledged by all, where the people govern themselves, where the kingdom is not left to other people; that in its past, present, and future it goes beyond any other nation in the whole history of mankind; that it embraces in its domain the best portion of the temperate zone of a continent, reaching from ocean to ocean, with exhaustive resources and productions; and by its gigantic railroads on the vast barren plains from Europe to Asia; and that with every year it is making the most wonderful and almost miraculous advances in all that can make a nation great and powerful.

And what confounds and astonishes them more than all else is, that in a few months we placed armies in the field of more than one million men, furnishing our own materials and supplies, kept them in the field four years, and after the war was ended all this vast army returned quietly to the pursuits of private life, as if there had been no war at all. This great example, by its moral power, is converting the people of all the nations of Europe into Americans, in their ideas of human government. And to such an extent has this gone that no great statesman of Europe would at this day, dare to avow the old doctrine of the divine right of kings; but on the other hand, they all avow the ultimate right of peoples to rule themselves.

Again, we are smiting the nations of Europe, not by war, not by hostility of any kind, but by extending to their most enterprising, vigorous and youthful population, in this great, free and rich land, all our own rights, liberties and wealth. And they are coming from England, Scotland and Ireland; from Germany, Denmark, and Sweden and Norway; from France, Austria and Belgium; from Italy, Spain and Portugal, by hundreds of thousands. They are planting themselves upon the fertile lands of the West, and bringing with them vigorous minds and brave hearts in strong bodies, and are thus pouring in upon us a flood of human life. Their migration is not essentially weakening the European nations, but it is adding greatly to the power of our own. "Thou shalt love thy neighbor as thyself," is the great command. As a nation we accept it, and act upon it towards all mankind. We have bread enough and to spare, land enough and to spare, is the language of America to the oppressed and toiling millions of the old world. Come, take them an enjoy them, almost without money and without price. And the hundreds of thousands who annually accept this invitation, and come to our shores, and find, indeed, that the one-half had not been told them, repeat, again and again, to the friends who remain behind them, the same cordial invitation in language more simple, perhaps, but none the less powerful. To say nothing of the communications which appear in the public journals, and the reports of travelers who are continuually going and returning, think for a moment, of the countless numbers of private letters,

in all languages, which are annually sent by sons and daughters, brothers and sisters, to their parents, brothers and sisters, under their own hands, telling them, this is the land of freedom, here is work enough, and wages enough, and bread enough, here is land enough, and writing them to come, and often enclosing the money to enable them to come to enjoy this better land.

These letters do not appear in the public journals, it is true. But they fall still and thick as the leaves of the forest all over Europe. They are silently read at hundreds of thousands of firesides, thrilling millions of bosoms with emotions never felt before, and by all the ties of kindred and affection as well as by the inherent love of liberty, bind to this country and its institutions the hearts and the hopes of the millions of Europe as with hooks of steel.

It may be said by some, the forms of monarchical government among the lesser kingdoms of Europe have not passed away. They have not as yet been broken utterly, broken in pieces, and become as the chaff of the summer threshing-floors; but there is not a throne in Continental Europe this side of Russia which does not depend upon the sufferance and consent of the people, and which may not give way to a Republic in form as well as in substance. Even Germany, with all her present apparent strength as an empire, if France will only remain tranquil and peaceful, and continue to be a republic in form and substance as well as in name for ten years longer, will prove to be no exception. The example of America and of France upon England and upon Germany will certainly republicanize them. The great idea of the Declaration of Independence is a mighty spiritual force working every year with more intensity and force upon the minds of all civilized men. The time is coming and is near at hand when every nation in Europe must choose between the doctrine of America and the doctrine of the Holy Alliance, between Republicanism and Absolutism. There is no middle ground, no neutral ground. The Republican of the United States of America must be stricken from existence, or all other christian and civilized nations must yield to its ideas and become republican. "The kingdom shall not be left to other people." The people shall govern themselves. And the Stone which smote

the image shall become a great mountain and fill the whole earth.

Gentlemen: We are in the midst of the fifth act of the great drama of the ages, in which our own Republic is enacting the grandest character of all—the character of the Stone. I cannot draw aside the veil which conceals the future scenes in this act from our view. I do not pretend to be a prophet to know, or to predict, what further part the great Republic, as the leading character, may be called to take in the full development of all the scenes of the fifth act of the great political drama sketched by the prophet's unerring hand, when the last and final struggle between the hosts of Despotism and the hosts of Republicanism shall take place on the fields of Europe. But when the struggle comes, if come it must, I trust that in the same hour it will be given to the Republic of America to know and to do her whole duty to God and to Man.

Neutrality—non-intervention—was our true policy in the days of Washington. We were then in infancy, and isolated in position. Non-intervention and strict neutrality is still our policy. We have just reached the period of prodigious growth, and have lately passed through a terrible trial to determine whether we could sustain or must abandon our great ideas, and whether the great Republic itself would live or die. Our duty, our interest, and our policy, is peace. Above all things, except natural existence, honor and independence, we desire peace, a peace with liberty—a peace based upon justice, liberty and equality to all States and to all citizens under the Constitution. Above all we would avoid any war with England, our kindred, speaking the same language and living under the same laws, where civil liberty is secure to all, where the writ of Habeas Corpus and the right of trial by jury is as sacred as it is among us.

But if the time should ever come when, as some suppose, some new Holy Alliance may be formed to crush out Republican ideas and principles among the European nations; when England, where those ideas and principles have made most progress, shall herself put on a Republican form of government, as she may; and if another Holy Alliance should unite to crush out Republican ideas and principles on the Continent and even England; then England, aye, England, proud and strong as she has been

and is, in the hour of her extremity, becoming herself republicanized, instead of struggling as she once did to put down the liberties of the people in Europe, will be ready to sustain them. She may then appeal to the great Republic of America with its hundred millions of people, to form an alliance with her and to aid her in that contest.

All the world has learned, by our war with Mexico, by the war in the Crimea, as well as by the movements of the French Army into Italy, and by the movements of our own troops by sea, in the late civil war, that the transportation of troops, munitions, and all the enginery of war by steamers on the sea, is more expeditious, and even more economical than by land, itself; that in a military sense, there is no more sea; that the sea has ceased to be a barrier against invading armies as it was formerly; that, on the contrary, it may be made the easiest transit for approach of armies. Therefore, our position is no longer so isolated as it once was, because surrounded by the ocean. And therefore, we may me compelled to change our hitherto cherished policy of non-intervention.

Should that contingency, which we have supposed, arise, in another century, when the Republics of England and France, in order to sustain the liberties of their own people, and of the other peoples of Europe, should seek an alliance with the great Republic of the United States, forgetting all the wrongs which England has done us in the past, both during the Revolutionary war and the war of 1812, and during the late Civil war, great as those wrongs have been, would see in her struggle for liberty and republican institutions, that her cause would be our cause, and it might then become our duty to aid her in that struggle. O! should that day ever come, when Old England and Young America, speaking the same language, maintaining the same religion, the same Anglo-Saxon liberties and Common law, should be bound together for the defense of Republican institutions! What a scene for the historian! What a group would then be presented for an American Artist! The mother leaning with pride upon her once injured, but now respected and beloved child, the MAN CHILD of prophecy;—in the day of his strength asking him to stand with her, for the freedom of the world.

Once again the prophet declares, "the Stone which smote the image became a great mountain and filled the whole earth." It is not necessary, in order to maintain that the United States is enacting the character of the Stone, to say the whole world, including all of America, South as well as North, all Asia, Europe and Africa, with all the Islands of the Sea, is to become actually united or confederated with us under our constitution. It is enough to say that the United States of America will become the leading and most powerful nations on the face of the earth; and that in the fullness of time, through the influence of its ideas and example, all the principal or civilized nations of the earth shall become revolutionized, overturning all the forms of despotic government; and placing the power to rule the State, in the hands of the people themselves; when the kingdom, or the political power shall not be left to other people; in a word, when all the civilized nations will, in their systems of government, approximate, more and more nearly to our system, just as then, people shall become more and more enlightened, Christianized, Republicanized, in a word, AMERICANIZED; when all civilized nations under our lead and by the light of our example, shall become united together by treaties of friendship, providing for the settlement of all claims and disputes, not by arms, but by disinterested arbitration; when large standing armies and navies shall cease; when all nations shall enter upon a system of free commercial intercourse, which is itself the practical annexation of the whole world, of all to each, and of each to all; then will commence that long promised era, for which the hearts of the millions of our race throb and pant, as the hart panteth for the water brooks—THE UNIVERSAL REIGN OF PEACE.

This vision and the interpretation, was of what was to come to pass thereafter among the governments of the world, and it purports to speak of every leading empire until the setting up of the last form of government upon the Earth—the Kingdom of the Stone.

If this American Republic is not that kingdom, how is it possible that this republic should not have been even mentioned by the prophet in the *order of events?* And as he speaks, especially, of what shall happen in the latter days?

This Republic is by far the most important, peculiar, striking and powerful the World has seen since the Roman Empire of Iron. The argument drawn from this view is *almost absolutely conclusive* to show that the United States is the Kingdom of the Stone.

In the enactment of this great drama of the ages, the seat of empire has always been found in the North Temperate Zone, and found always advancing Westward. (See Bishop Berkeley.) As I have already said, all commentators are agreed that the scenes of the first two parts, of the Golden and Silver kingdoms of Assyria and of Medo-Persia are principally laid in Asia; the scenes of the third or Brazen kingdom of Greece, are laid in Southeastern Europe, Northern Africa and Asia Minor; and of the fourth, or Iron kingdom of Rome, with the iron and clay subdivisions into the ten lesser kingdoms of Europe, are principally laid in Europe, including Spain, Gaul and Britain.

And if the view which I have taken be correct, the scenes of the fifth, or kingdom of the Stone, embraces this continent—this New World and that our own Republic—the United States of America, which we all love so well, for which we would live, or would dare to die, is itself the great character to personate the kingdom of the Stone, that adamantine power based upon self government, which is to break in pieces and consume all other kingdoms or forms of government.

It will also be observed that if this view be correct, the Star of Empire in its westward course during the progress of the five acts or parts of this political drama will have just completed the circuit of the globe. All that is left to make the cycle complete is China and Japan. And even they are startled from their sleep of ages by the magic touch of our republic. Behold what Japan is now doing. But I can detain you no longer.

This dream of the ages covers all continents and all human governments. This vision was the vision of no priest; the vision of no prophet. It was the vision of a statesman, a statesman and a ruler, perhaps greater than Alexander, or Caesar, or Napoleon, or Washington. It was a vision of man's political history, of his condition in this world,—in his present state of

existence. It was in no sense a vision of man's eternal state, or condition beyond the grave.

That vision was interpreted by the prophet, and by the greatest of the prophets, who speaking, as he was inspired, of this Republic, declared: "It shall stand forever, and the dream is certain and the interpretation sure."

I understand this declaration, "it shall stand forever," to mean that it shall be the last form of government for man upon the earth. It does not refer to his government in Heaven, but to man's government while here in his earthly and mortal state, and what the prophet declares is this: While the earth shall exist, in its present form, the abode of mortal men like ourselves, this form of government, this system of Republican self-government, where the kingdom shall not be left to others, but where the people shall govern themselves, is the highest and best government of which man, in his most advanced states, is capable, and that it shall be the last, and shall be perpetual. And that this Republic shall stand while the world stands, the light and example of nations, and in that sense shall stand FOREVER.

Where Socialism Failed

The Story of the Socialist Colony in Paraguay, South America

BY F. G. R. GORDON

Fred G. R. Gordon, student, writer and lecturer on economic problems, was born in Walden, Vt., Sept. 4, 1860. He was self-educated. Went to work as a bread-winner at the age of 13. In 1878 he joined the Greenback Party. Was a member for several years of the Knights of Labor. Was a member of the Nationalist Club of Boston. In 1895 he was elected secretary of the shoe workers' convention, which founded the present Boot & Shoe Makers' Union. In 1897 he became a member of the Social Democracy, but soon found that he did not agree with its platform and tactics. For several months he was an associate editor of the Appeal to Reason. In 1902 he started the first anti-Socialist newspaper in America, *The Million,* and conducted the campaign against the Socialist Party, in Haverhill, Brockton and Massachusetts in general. The Socialists were defeated with a loss of most of their officials and a loss of 10,000 votes in the state. He has written more extensively for newspapers and magazines, in opposition to Socialism and public ownership, than any other American. He was appointed as a special U. S. immigrant inspector in 1908 and served in that office until 1913. He has written and lectured extensively on the problems of Immigration.

KARL MARX the founder of modern Socialism said: "We shall have deserved well of it (Socialism) if we stir up hatred and contempt against all existing institutions. We make war against all prevailing ideas of the State, of Country, of Patriotism. The idea of God is the keystone of a perverted civilization. It must be destroyed. The root of liberty, equality and culture is atheism." So said the greatest of socialists.

In 1893 William Land, a brilliant journalist of Australia, who for several years had been the Karl Marx of that country, migrated with a band of chosen socialists to Paraguay, South America, to carry out the ideal of practical Socialism, far removed from capitalism. Lane was born in Canada and migrated to Queensland where for several years he devoted him-

self to the interests of labor and Socialism. He organized the "New Australian Co-operative Settlement Association." As editor of *The Boomerang* and later of *"The Worker,"* he wielded a tremendous influence. He adopted as his motto: "Socialism in Our Time." He constantly preached that "Labor is a mere commodity." He said over and over this: "Yet Labor alone produces wealth. There can be no justice until Labor can work, without asking leave of any and without paying profit to any * * * . This ownership, which causes misery and vice and poverty and wretchedness unspeakable, all the social evils from which you suffer and from which the world suffers, is a veritable sin. We have lived wickedly in taking part in a system which is wicked and sinful, which is brutish, not human, selfish not loving."

Under the lead of Lane a great strike took place throughout Australia and New Zealand in 1891. This was the most tremendous labor battle, considering the size of the countries, that ever took place in an industrial country. It was responsible for the great financial disaster which followed it in 1892-3 when the Australian banks, with liabilities of more than $650,000,000 suspended payments. Trade and commerce throughout Australia and New Zealand was paralyzed. The trade unionists lost $10,000,000 in wages and all their funds, which were large. It was this gigantic strike and its total failure that caused Lane to adopt the method of colonization in Paraguay. And he forthwith commenced to build his association for the "New Australia" as the colony was to be called. He sent three commissioners to Dr. V. V. Lopez, Foreign Minister, and General Gonzales, President of Paraguay. Paraguay had for many years practiced a sort of Communism, and therefore the officials received the commissioners with open arms. After some negotiation 100 leagues of land, that is 450,000 acres, was granted absolutely free. The colonists were allowed to import free of duty, whatever they wished and there was to be no taxation for many years. They were granted local autonomy and were to be responsible to no one save the General Government. The only condition imposed upon the Socialists was that they must settle 800 families on the land within four years. In addition to this the

Government of Paraguay expended $450,000 to buy out some settlers who were located upon the grant, in order that the socialists might have a clear and absolute proprietorship with no interference from anyone throughout this vast tract of 450,000 acres of land. Moreover, this land was of the first quality for general farming or grazing; a fertile land well watered and well situated.

If there was any virtue in co-operative working and living with Socialism and Socialist comradeship as the ideal, this colony ought to have been a howling success. When the three commissioners returned they consulted with Lane and other leaders and then issued the following report:

"It is the best watered country we have ever seen, being watered by running streams as clear as crystal, which run all the year round. It is heavily timbered, with enough clear land for pasturage. The forest land is very fertile. It is possible to raise crops of some kind during all seasons of the year.

A great deal of the timber cleared would be useful and saleable at once. We will thus be sure of a certain remuneration for the labor of clearing. We think that an acre cleared in Paraguay will produce as much as two in most other countries. We think it is unsurpassed for growing capabilities, as everything put in seems to thrive without any extra trouble. We have rail and water at our door. Foreigners are protected by their nationality from any military conscription. We feel confident that with enough capital to land sufficient tools and food to keep up, say for 18 months, it will only be sheer laziness if we don't prosper, and starvation is impossible." Each man joining had to pay down $250 and an additional $50 before going to the new Co-operative Commonwealth. Women were not required to pay anything, but if a man had more than the $300 he must throw it into the common fund. Lane himself put in $5,000 and several others threw in $2,000 each and a total of $150,000 was raised in a very short time.

The government of "New Australia" was to be a communistic ownership of land, tools, and in a word all the means of production and exchange, so far as the colony was concerned. It was

provided that prohibition should prevail and female suffrage was granted with absolute equality of both sexes in everything. The Association voted not to recognize religion. Lane himself was an atheist as were most of his followers. They engaged a ship, the *"Royal Tar"* and set sail for their new world with 241 enthusiastic comrades. Although Lane was an atheist he refused to go as far as the declaration of the Socialistic Alliance of Geneva whose platform declared: "The Alliance declares itself atheist, it demands the abolition of marriage as far as it is a political, religious, jurisdicial, or civil institution." Lane believed in marriage and he also believed in communism. Lamartine, the historian had said: "Communism of goods leads as a necessary consequence to communism of wives, children and parents." Deep in his heart Lane knew that he must guard against the evils which had destroyed more than one socialistic colony. One of the quoted sayings of August Babel and believed most thoroughly by millions of socialist converts the world over is this: "It is evident that, labor thus organized (that is organized cooperatively) on principles of perfect freedom and democratic equality, in which one represents all, and all one, must awake the highest sense of solidarity and a spirit of cheerful activity, and call forth a degree of emulation such as is nowhere to be found in the present industrial system."

But "New Australia" went a long ways to prove just the contrary. At the beginning the colonists established the trade union eight hour day. But their greatest difficulty at the beginning was the allotment of labor. It was natural that nearly all wished to have the soft jobs. It was more pleasant to play in the band, (and they had established a band of 36 pieces), than it was to clear the forest. Now, Lane had honestly believed that with the escape from capitalism and its influences his people would show a spirit of brotherhood of mankind. Instead of this he found acrimonious disputes, wrangling and fighting, that he was charged with showing favoritism to certain of his comrades, and the foremen were also charged with the same offence. He soon found that the evils of which he had so bitterly complained of in a "hell of capitalism," existed right there in his "Socialistic Paradise," and like Diaz of Mexico, he decided that a

benevolent despotism was the only thing that would do, and he proceeded to carry out this idea. He soon came to be known as "King Billy." He had secured proxies from Australia which with the help of his friends, secured control. He proceeded to break the Constitution of the colony, first by banishing three of his comrades who had broken one of his pet rules. He even called in the soldiers of the capitalistic government of Paraguay to aid in expelling the three men from the colony. In a word he became a dictator.

Dissatisfaction was the rule. Children became the care of the community and they received an allowance according to age. This figured out in a curious way as this illustration will show: A man and his wife with three daughters aged 18, 16 and 2, and two sons aged 12 and 6 would receive from the colony the sum of $3.60 a week in the form of food, clothing, etc., from the common stock. On the other hand five bachelors each able to do a full day's labor would receive only $3.65 for their combined labor for a full week. This could have only one result and one of the colonists tells what it was. Mr. A. MacDonald wrote:

"There is not a person who could honestly tell you that he has not degenerated under these conditions. Communism certainly renders people more selfish. At the general dining table each has his private bottle of treacle, which he stows away between meals under his pillows or elsewhere as best he can; while quite a number carry their utensils to and from the table with them. Knives and forks have an amazing faculty for disappearing in a communistic settlement."

The very fact that the lazy and incompetent were to share equally with the hard working and thrifty members simply paralyzed the energies of all. In the meantime Lane had got into a great row and had with some of his followers seceded and founded another socialistic colony. Soon both colonies came to want, to live on short rations, their money was all gone. For two weeks the colony had nothing to eat but unsalted beans. With Lane out of "New Australia" the colonists were no longer in dreamland. They saw that there was nothing to be gained by an adhearence to communism, so at a public meeting they voted to change the Constitution. With the change came at once a

new and a better feeling, an ambition and an incentive was given because hereafter every man was to enjoy the fruit of his labor.

The poet Elliott says:

> "What is Communism? One who has yearnings
> For equal division of unequal earnings.
> An idler or bungler, or both he is willing
> To fork out his penny—and pocket your shilling!"

Says Stewart Graham the author of "The Paraguayan Fiasco":

"A blight seemed to descend upon everything managed by the community, and the children proved no exception to the rule. Deliberately cut off from the softening influences of religion, and brought up to ignore all distinction of age or sex, it was natural for them to seek always their own pleasure and ride roughshod over the old and infirm. Untaught and unrestrained, the neglected children seemed doomed to suffer all their lives for the follies of their parents. This was perhaps the saddest aspect of the 'New Australia' fiasco."

With Socialism gone from the colony of New Australia, Frederick Kidd was sent to the capital, Asuncion, to interview the Government. The Government agreed to withdraw the original grant and give the colonists 25 square miles on which they were then settled, and the land was divided so that each man could select for himself sixty squares of land with title deeds given.

Having secured grants somewhat upon the same basis as our own homestead laws, these colonists being free from the curse of Socialism became ambitious to do for themselves. Some of them obtained employment on the railways and in the butchering establishments of Argentina, saving their money and improving their lands. They have made a fine success. Several of these former Socialist comrades are now wealthy farmers. Their children are educated. A church was established and a majority of the former men and women who had been taught to hate the church are now church goers. *One hundred and thirty-one of the colonists remained and every one of them has made a*

success, where before under the Socialistic regime they all made a huge failure. Many of these free farmers now own from 100 *to* 600 *head of cattle with good houses, machinery, etc.* On the other hand those who with Lane seceded and established a new Socialistic colony, *have made no success.* For a while the new colony existed, *but with a growing discontent and misery.*

Each year things became worse. Lane and his brother abandoned the colony and Lane himself returned to New Zealand, where he took up newspaper work. The last report show that they were hopelessly in debt, with everything mortgaged. A most miserable unhappy discontented set of Socialists who would and are fleeing to what they call "a hell on earth" as rapidly as they can. These misguided followers of Socialistic teachings have done one thing and one thing only, they have taught the world that *Socialism in practice means mismanagement, discontent, starvation, misery, indolence, the loss of self-respect and an athletic heathenism.*

History of the Mormon Church

By Brigham H. Roberts, Assistant Historian of the Church

CHAPTER XCIII

The Entrance of Governor Cumming into Salt Lake City Unaccompanied by United States Troops—The Continuation of the "Move South"—Departure of Colonel Kane for the East

An express bringing the word that Governor Cumming was on his way to Salt Lake City without a military escort, to assume the duties of his office, arrived in Salt Lake City on the evening of the 8th of April.[1] On the 9th an informal council meeting was held by several leading brethren, in President Young's office. Elders Geo. A. Smith and D. H. Wells both expressed their dislike to having Alfred Cumming "become by any means Governor of the Territory in virtue of the laws of the United States, which he would do if he came here and was sworn into office. President Young said he did not care anything about it; the Lord would over-rule it for good which ever way it happened. He did not wish to see Governor Cumming unless he particularly desired an interview."[2]

Col. Kane with Governor Cumming, as already stated, left Camp Scott on the 5th of April, for Salt Lake City. They had

1. Hist. Brigham Young Ms., 1858, pp. 337-8, Brigham Young, Jr. (Son of President Brigham Young, and later a member of the Apostle's Quorum, and Col. N. V. Jones), carried the express.

2. Hist. Brigham Young Ms., 1858, pp. 341-2. Later President Young said he hoped "the feeling of the people, when Governor came in, *would be cold enough to freeze peaches;* but he considered Col. Kane had performed a great feat in bringing in the Governor, and passing backward and forward to Johnston's camp" (*Id.*, p. 349)

one carriage, one wagon, and two attendants. The day following their departure from Camp Scott they met a small company of Mormon militia at Quaking Asp Hill, who conducted them to the military encampment at the head of Echo Canon. The journey through the canon was made in the night. At many points in the canyon the Utah militia had great bonfires burning, and met the Governor at three encampments in military order.[3] At these camps Governor Cumming delivered addresses expressing the belief that the troubles of the people would soon be ended, and that "he hoped the day was near when the peaceable inhabitants of Utah, would be allowed to follow their peaceful vocations without having to lay in the mountains."[4] The militia who heard these speeches noted the fact that the Governor's utterances at their camps were markedly different from the spirit of his proclamation of the 21st of November, addressed to the people of Utah Territory.[5] The Governor himself afterwards expressed some anxiety as to these speeches, and great wonderment at his reception by the militia in Echo Canon. The illumination there, he said, in a conversation with a number of gentlemen in Salt Lake City on the day following his arrival, "out stripped any thing he had ever expected to see." Col. Kane said he never expected to see such a sight again. "The effect, could not be described."[6] Cumming said he would be glad if

3. *Ibid,* p. 338.

4. *Ibid,* p. 337. It is of general repute that the Governor was a little imposed upon in his night journey through Echo Canon. In order to make as impressive an appearance of their forces as possible, as also, doubtless, to keep concealed the location and the nature of their "fortifications" in the Canon, the journey of the Governor's party was made in the night. After the militia at the first campfire halt had been drawn up in form and solemnly addressed by his Excellency, they were dismissed and hurried down to the second encampment to again solemnly receive the Governor in military array, and again hear his speech; again to cheer what he had to say about returning peace; and so again at the third encampment this performance was repeated. Stenhouse, who makes too much of the incident, states that when the Governor discovered the trick played upon him, "he was ever afterwards unpleasantly reticent when the affair was mentioned." He also says that Cumming held Brigham responsible for the mortifying joke (Rocky Mountain Saints, p. 390); but that is not likely, since Brigham Young did not know of the Governor's advent into the Mormon camps in time to plan it.

5. "His speech, to a great extent, repudiated his last winter's Proclamation." Hist. Brigham Young, *Ms.,* 1858, p. 337.

6. Hist. Brigham Young, entry for April 13, *Ms.* 1858, p. 358. Stenhouse makes the following attempt at description of the illuminations: "From one end of the canon to the other, great fires could be seen at night on the hillsides and on the mountain-tops, representing the works and bivouacks of a great army, while the

"a sketch of his reception at Quaking Asp Hill could be taken. The illumination could not be." "On finding himself in Echo Canon the Governor said he did not know what to think. He was surrounded by armed soldiers, who on his arrival presented arms in honor of his coming: he said he did not know what to do: but he delivered a speech, and he did not know but what he had committed himself. Col. Kane assured him his speech was a happy effort, *for an extemporaneous address.*"[7]

At the mouth of Echo Canon Col. Kane detained the Governor by a day's shooting; and further down the Weber, at the camp of Ben Simons, the Cherokee Indian trader and interpreter, another day was spent in shooting. By express Col. Kane sent word to President Young that he expected to arrive in Salt Lake City with the Governor on Monday, the 12th of April. Undoubtedly the delay *en route* was meant to kill time in order to give opportunity for the Church leaders and the people to adjust themselves to the new situation created by Governor Cumming consenting to come among them without a military escort, to assume the duties of his office.

The snow was still so deep on Big Mountain, over which the road usually traveled into Salt Lake Valley passed, that it was decided to bring the governor through Weber Canon *via* Farmington to Salt Lake City. "At the mouth of Weber Canon the Farmington guards, mounted and in uniform, met him. On his reaching the court house (in Farmington) the band played 'The Star Spangled Banner.' Sunday evening he stopped at Judson Stoddards. Monday morning he was visited by the Farmington band in carriages: they played 'Hail Columbia,' 'Yankee Doodle,' the 'Star Spangled Banner,' and other national airs. Cumming made a speech, remarking that he was astonished at such

lurid flames of the pine-tree fires rendered the darkness still more impressive, and conveyed to the bewildered Governor the idea that near at hand there was a mighty host under arms. The military chieftains managed to keep his Excellency in a continued strain of feverish expectation. At every important bend of the road the Governor and his escort would be suddenly challenged by the pickets, and the countersign demanded. On one occasion there was a call to arms, and a mock effort at hostility, but some of the principal officers arrived just in time to save his Excellency's life, and to call off the pugnacious militia, and hinder them from taking him prisoner!" (The Rocky Mountain Saints, p. 390).

7. Hist. of Brigham Young, *Ms.*, entry for April 13th, 1858, p. 358.

attachment for national airs, he believed it could not be feigned."[8]

It was a strange view, however, that met the eyes of Governor Cumming on his journey the next day through Davis County towards Salt Lake City. The road was thronged with people from the northern settlements moving southward, their wagons loaded with provisions and household effects, while loose cattle, horses, sheep, even pigs were driven in droves before them. They were leaving their homes at the call of their Prophet upon another Hegira—this time not only into a wilderness, but into a desert. But they were moving confidently, even cheerfully, leaving men in charge of their deserted homes with orders to lay them waste by applying the torch to every thing that would burn, and the ax to every shrub and tree that had been planted, in order to leave the settled valleys of Utah a blackened, treeless waste, giving them back to desolation—a protest against the injustice of forcing upon an American community officers whom they had no voice in selecting; and, from their view point, dragooned upon them by military power; a protest against the violation of the American principle that governments derive their just powers from the consent of the governed; a protest—again from their view point—since popular conception of the purpose of the Utah Expedition was that it should suppress the Mormon marriage system[9]—a protest, therefore, against the interference of the secular authority with the freedom of religion.

At the Hot Springs, three miles north of the corporation limits, the Governor's party was met by the Mayor, Aldermen and some of the Councilmen, of Salt Lake City; and by them Governor Cumming was escorted to the lodgings secured for him at the home of W. C. Staines, where the party arrived about 11 a. m., the Mayor riding with the Governor.

The day following his arrival Governor Cumming expressed a desire for President Young to call upon him; and accordingly, about four in the afternoon, in company with Geo. A. Smith, the now Ex-Governor of Utah called upon his successor. Heber C.

8. Report of Gen. W. H. Kimball to Pres. Young. Hist. Brigham Young, *Ms.*, entry for 15th April, 1858, pp. 365-6.

9. See N. Y. *Tribune* editorial of Jan. 30th, 1858; this History, Chap. XCI, Note 2.

Kimball joined the party later. They were introduced by Col. Kane. The conversation for the most part was on commonplaces—the "beauty of the valley," "the improvements," "the fruit," some of which the Governor had tasted, as Col. Kane had taken a few apples with him into Camp Scott. Governor Cumming spoke of his satisfaction at the arrangement made for his reception by Col. Wm. H. Kimball at the Echo Canon camps. Only once did the conversation approach the question which both the present and the former governor of Utah knew was inevitable. This was near the close of the interview. Ex-Governor Young asked Governor Cumming to take a ride with him through the city and view the improvements. Cumming replied that he would do so in a few days, after he was rested. The Ex-Governor remarked to Cumming, perhaps quizzically, that if he had only come in last fall he would have been made more comfortable. Doubtless the vision of that winter in Camp Scott and all its discomforts and dangers rose before the mind of the ease-loving Governor of Utah as he declared in answer to the above remark, that he had *"a crow to pick with Governor Young in relation to that."* Ex-Governor Young replied that as he (Young) was a preacher, he would give him a text to consider for that event; and this was the text: "The people who know me best, love me best." Upon which Col. Kane exclaimed: "That is not only a text, but a sermon." Thus the first interview closed.[10]

10. It will be of interest to note, parenthetically, some of the "asides" and impressions on both parties to this first interview. The day following the arrival of Governor Cumming, Col. Kane when calling upon President Young remarked that "he [Kane] had caught the fish, now you can cook it as you have a mind to." (Hist. Brigham Young, *Ms.*, entry of April 13, 1858, p. 357). "Geo. A. Smith's first impression when he saw Cumming was that he was a toper," says our chronicle; "but examining him with his glasses, he concluded he was a moderate drinker and a hearty eater. He was well dressed, in black, had a ruddy face and grey hair. His head was small around the top; * * * his probable weight about 240 lbs." (Hist. Brigham Young, *Ms.*, entry for 13th April, 1858, p. 359). Through remarks of Col. Kane to Gen. Wm. H. Kimball the brethren learned the impressions that his visitors of the 13th of April made upon Governor Cumming, who prided himself on being something of an adept in physiognomy: "Governor Young was a man of lamb-like disposition, and possessed a superior brain—a mind capable of grasping anything. President Kimball was a fierce, brave, unflinching, unchangeable man, and more to be dreaded than any of the others; fine, determined temperament, and a very fine man: and if any of them needed hanging, it would be he. Geo. A. Smith possessed an unaccountable memory, would make an excellent historian, and a number one politician if he had a chance. They were three exceedingly fine, intellectual men, and he had been deceived in what he had heard of them. He liked them."—*Ibid.*

This first interview was followed the next day by a strictly private one between the two governors, the only other person present being Colonel Kane. In this interview Governor Cumming asked twice for Ex-Governor Young's office—i. e. his office room. Colonel Kane explained that Ex-Governor Young's office was part of his private residence. President Young was not well impressed with the intentions of Governor Cumming. Relating the incidents of this private interview to Geo. A. Smith, President Young said the Governor "came pretty near commanding me to forbid the people leaving their homes"; saying, "there would be nobody left here but renegades who followed the army for juries."[11] The conversation turned upon the illegality of the Post Office Department stopping the mail, which Cumming did not attempt to defend; upon the change of conduct on the part of the Indians: for some time said President Young, the people in Utah had lived in peace with the natives, now they come to their homes and draw their bows upon the women and say that the Mormons are squaws, and will not fight; but that the soldiers will fight and kill all the Mormons. The operations of Dr. Hurt in the Uinta Valley was alluded to, and the statement by the Indians that they had been offered $150 a piece for Mormons was repeated. "It ain't possible," said Governor Cumming. "It will not be easy to make the people believe anything else," replied Ex-Governor Young. Cumming at the close of the interview agreed to let the Ex-Governor see his private instructions.[12]

Governor Cumming however must have thought that he was making progress in the matter of bringing order out of the chaotic state of Utah affairs, since on the 15th of April he wrote to Col. Johnston detailing the incidents of his journey to Salt Lake City, in the course of which he said:

"I have been every where recognized as the Governor of Utah; and so far from having encountered insults and indignities, I am gratified in being able to state to you that in passing through

11. Hist. Brigham Young, *Ms.*, entry for April 14th, 1858, p. 361. The President expressed himself as "fully satisfied, by the talk he had with Cumming that he desired the destruction of the Saints." *Id.*

12. *Ibid*, pp. 361-3.

the settlements, I have been universally greeted with such respectful attentions as are due to the representative of the executive authority of the United States in the Territory."

The Governor also reported that Ex-Governor Brigham Young had paid him "a call of ceremony;" that at subsequent interviews the Ex-Governor had evinced a willingness to afford him every facility which he might require for the efficient performance of his administrative duties. "His course, in this respect," said the communication, "meets, I fancy, with the approval of a majority of this community." "The Territorial seal with other public property," continued the Governor, "has been tendered to me by William H. Hooper, Esq., late acting secretary *pro tem.*" He had not yet examined the subject critically, but he apprehended that the records of the U. S. courts, Territorial library, and other public property remain unimpaired. "Having entered upon the performance of my official duties in this city," said the Governor, "it is probable that I will be detained for some days in this part of the Territory." In conclusion the Governor presents the charges of inciting the Indians to acts of hostilities against the people of Utah, by officers and agents of the Expedition, and informs the Colonel commanding at Camp Scott that he may be compelled to make a requisition upon him for a sufficient force to chastise these Indians, as he desired to avoid calling upon the Territorial militia; and notes that the charges against the officers and agents of the expedition call for investigation.[13] Accompanying the above communication was another offer by Brigham Young of supplies of provisions for the army, tendered through Governor Cumming. The offer brought forth no response from the Colonel commanding; the communication making the tender was, however, countersigned by the Asst. Adjut. Gen., F. J. Porter, and entered with the official documents of the Expedition.[14]

13. House Ex. Doc. 35th Cong., 2d Sess., Vol. II, Pt. II, pp. 72-3.

14. The tender of supplies was as follows:

"GREAT SALT LAKE CITY, April 16, 1858.

SIR:—Learning that you propose sending an express to Colonel Johnston's camp, I avail myself of the opportunity of proffering, through your excellency, to Colonel Johnston and the army under his command, inasmuch as they are sup-

While this much of progress was made, the move south by the people was in progress. Daily the streets of Salt Lake were thronged with wagons and stock bent on this strange Hegira. On the 15th of April, Albert Carrington, editor of the *Deseret News* was instructed by President Young, after two more issues of the paper, to move the printing establishment to Filmore, and publish the paper from there; then a month later, from Parowan —still further south—and this without offering any explanation or apology for thus being, practically, a publishing house on wheels.[15]

At the Historian's office the Church records, papers, and books were securely packed in boxes and shipped south to Provo, where an Historian's Office was improvised, in the counting room of the Music Hall.[16] The caching of wheat and the other grains went steadily on in various places. Teams came up from the south to move the tithing grain to places where it would be securely cached. Governor Cumming was much distressed and puzzled over the evident determination of the people to leave their homes, deliberate arrangements for the destruction of which had been made in the event of the army moving in the direction of Salt Lake valley from its winter quarters at Camp Scott.

In the midst of these conditions the health of Brigham Young was precarious. On the 20th of April there were some symptoms of apoplexy,[17] but he soon recovered. Consultations between Governor Cumming and leading churchmen and civil offi-

posed to be measurably destitute, such supplies of provisions as we have, and they may need, prior to the arrival of such supplies from the east.

Trusting that you will appreciate the sincerity of the motives prompting this courtesy, I have the honor to be, very respectfully,

[Signed] BRIGHAM YOUNG.

His Excellency, Governor A. Cumming.

Headquarters, Department of Utah,
Camp Scott, Utah Territory, May 28, 1858.

F. J. PORTER,
Assistant Adjutant General.

Official.

(House Ex. Doc. 35th Cong., 2d Sess., Vol. II, Pt. II, No. 30, p. 91.)

15. Hist. of Brigham Young, *Ms.*, entry for 15th April, 1858, p. 366. The *News* was accordingly printed from Fillmore beginning on the 5th of May. Eighteen weekly numbers were issued from Fillmore, the last bearing date of Sept. 1st, 1858. The *News* then returned to Salt Lake City. There arose no necessity to move it to Parowan.

16. Hist. Brigham Young, *Ms.*, 1858, p. 428.

17. Hist. Brigham Young, *Ms.*, entry for 20th and 21st of April, pp. 422-3.

cers and lawyers were frequent. The Governor was given the opportunity to examine the court records and expressed his astonishment that they were not burned. With Colonel Kane he visited the Utah Library and with equal astonishment found that it had not been destroyed as reported. Assisted by Col. Kane and W. C. Staines, the latter the State Librarian, he took an inventory of the books and ascertained that they were all there. He called upon Captain W. H. Hooper and inquired about the safe belonging to the secretary of the Territory. From his house the Captain took the Governor over two high fences at the back of his premises into his barn, where he presented the government safe. To the Governor's inquiry as to why he kept the safe in such an out of the way place, Hooper replied: "We were going to burn the city shortly, and did not want to burn any U. S. property"! James W. Cumming showed the Governor the records of the U. S. District Court; whereupon the Governor gave Cumming an order—styling him Clerk of the U. S. District Court—on W. H. Hooper, Secretary *pro tem* of the Territory, for a safe in which to keep the court papers and records—"thereby recognizing Hooper and Cumming," says the chronicle, "the former as Secretary of the Territory *pro tem,* and the other as clerk of the U. S. District Court."[18] It was upon the facts ascertained in this investigation that Governor Cumming in his report of the 2nd of May, to Mr. Cass, Secretary of State, could say:

"Since my arrival I have been employed in examining the records of the supreme and district courts which I am now prepared to report upon as being perfect and unimpaired. This will doubtless be acceptable information to those who have entertained an impression to the contrary. I have also examined the legislative records and other books belonging to the office of the Secretary of State, which are in perfect preservation. I believe that the books and charts, stationery, and other property appertaining to the surveyor general's office will, upon examination, be found in their proper place, except some instruments which are supposed to have been disposed of by a person who was temporarily in charge of the office. The condition of the large and valuable territorial library has also commanded my attention,

18. Hist. Brigham Young, *Ms.,* entry 19th of April, 1858, pp. 396-7.

and I am pleased in being able to report that Mr. W. C. Staines, the librarian, has kept the books and records in most excellent condition."[19]

In one of the many interviews between Governor Cumming and leading churchmen, Daniel H. Wells, of the First Presidency, informed the latter that the people had resolved not to be governed by officers sustained by bayonets, and suggest that without resigning his office, Cumming go right back to Washington and get Utah admitted as a state, "as the only alternative to prevent collision and blood shed. Cumming answered that they would ridicule him should he go back; but he fancied," says the record of the conversation, "the day would come when he would be our senator."[19½]

On the same occasion Gen. Wells asked Governor Cumming if indictments had not been found by Judge Eckles against Presidents Young and Kimball at Camp Scott. The Governor replied in the affirmative. General Wells reminded the Governor

19. House Ex. Doc. 35th Cong., 2d Sess., Vol. II, Pt. II, pp. 93-4. Some time afterwards, to wit, in the month of September, 1858, a correspondent in Salt Lake City for the *San Francisco Evening Bulletin* reported that the Utah public records were all in confusion, notwithstanding Governor Cumming's report to the contrary as above, to the Secretary of State. Alleged defects of the records both in the United States District courts at Salt Lake City, and also in the records in the Territorial Secretary's office, are alleged, followed with this statement of the correspondent: "How Governor Cumming in view of these facts was able to reconcile his conscience to his report that these records are in a perfect state of preservation, I cannot tell you." "I do not believe him capable of deliberate prevarication," the correspondent adds, "and yet it is difficult to explain his report on any other theory." It was also charged that some of the records of the Supreme Court Clerk's office had been seized by Brigham Young "during the rebellion and had not been restored." This *Bulletin* article greatly angered Governor Cumming and he proceeded to vindicate his report to Mr. Cass, Secretary of State, by an itemized statement of the journal and bar docket of the first and third judicial district courts, from 1851 to 1857; and had the completeness of them certified to by Henry Cabot and Kirk Anderson, who made the examination and itemized the records, and had it countersigned by John Harnett, secretary of the Territory, and P. K. Dotson, marshal, who were present when the examination was made. The same as to the books and records in the office of the Secretary of the Territory; so also in relation to the legislative records. John G. Lynch, Clerk of the Supreme Court, certified under date of Oct. 25th, to the completeness of the records from 1851, when the court was organized, to 14th of March, 1857, being the last day of said court, all which records "complete and in good condition he received from his predecessor." In the signed statement by Harnett and Dotson it is also said: "If the personal or official veracity of his Excellency may, in any way, have been questioned in this matter, we unhesitatingly pronounce it most unjust, and so certify to the country." The letter to the *Bulletin*, and all the papers certifying to the correctness of Governor Cumming's report to Sec. Cass, will be found in *Deseret News* for Oct. 27, 1858.

19½. Hist. of Brigham Young, *Ms.*, entry for 20th April, 1858, pp. 422-3.

of the fate that had overtaken Joseph and Hyrum Smith, when they went to Carthage, Illinois, and sternly said that Brigham Young and Heber C. Kimball were not going to Camp Scott. "Cumming did not feel inclined to talk upon the subject."[20]

On Sunday the 25th a public meeting was held at the Old Tabernacle, in Salt Lake City, which Governor Cumming attended, and addressed the people, being introduced to the assembly by President Young as the Governor of Utah. The following is the Governor's account of his remarks at that meeting:

"My presence at the meeting in the Tabernacle will be remembered by me as an occasion of intense interest. Between three and four thousand persons were assembled for the purpose of public worship; the hall was crowded to overflowing; but the most profound quiet was observed when I appeared. President Brigham Young introduced me by name as the governor of Utah, and I addressed the audience from 'the stand.' I informed them that I had come among them to vindicate the national sovereignty; that it was my duty to secure the supremacy of the Constitution and the laws; that I had taken my oath of office to exact an unconditional submission on their part to the dictates of the law. I was not interrupted. In a discourse of about thirty minutes' duration I touched (as I thought best) boldly upon the leading questions at issue between them and the general government. I remembered that I had to deal with men embittered by the remembrance and recital of many real, and some imaginary wrongs, but did not think it wise to withhold from them the entire truth. They listened respectfully to all that I had to say, approvingly even, I fancied, when I explained to them what I intended should be the character of my administration; in fact, the whole manner of the people was calm, betokening no consciousness of having done wrong, but rather, as it were, indicating a conviction that they had done their duty to their religion and their country. I have observed

20. *Ibid,* p. 423. Later—early in May—copies of indictments "of the court held in Johnston's Camp" were printed. The indictments "include the Presidency, Editor of the *Deseret News,* and a thousand others whose names were unknown to the jury." The account also states that "on receiving the resolutions of the Legislative Assembly (referred to in Chapter XCI), a special term of the grand jury was called for the purpose of indicting every member and officer who signed them for high treason." Efforts were made also to indict Hon. John Bernhisel, the Delegate to Congress (*Ibid,* p. 474). Cumming asked Gen. Wells on the occasion of the above interview about two men detained here [i. e. S. L. City] as spies, one of whom is said to be of some importance in the 5th infantry, though he came here (S. L. City) in the capacity of teamster. Bro. Wells said the men could not go back to the army, but they might have gone on to California." *Id.*

that the Mormons profess to view the Constitution as the work of inspired men, and respond with readiness to appeals for its support."[21]

This report of the Governor's remarks when compared with the synopsis in the annals of the Church are not at radical variance. The report as it stands in the History of President Brigham Young Ms. is as follows:

"Gov. A. Cumming said he had been appointed by the President, with the consent of the Senate, to be the Governor of this Territory. It was true there was a large body of armed men on the frontier, but, they were not sent to destroy the Mormons, but to protect them from the lawless savage. He was sent to enforce the law. Said he would, in all future moves, consult with the gentlemen who had enjoyed our confidence. He and the officers had nothing to do with our social and religious views; we had the right to serve God, in any way we pleased. Did not expect his would be a path of roses; but expected opposition by some misguided men. Requested the brethren, if they saw him go a little astray, not to treat him harshly, but to counsel with him, as a friend."[22]

It had been reported to Governor Cumming that there were people detained in Utah against their will, whereupon the Governor at the above named meeting had the following notice read:

NOTICE.

"It has been reported to me that there are persons residing in this and in other parts of the Territory who are illegally restrained of their liberty. It is therefore proper that I should announce that I assume the protection of all such persons, if any there be, and request that they will communicate to me their names and places of residence under seal, through Mr. Fay Worthen, or to me in person during my stay in the city."

A. CUMMING,
Governor of Utah Territory.

He afterwards reported to the Secretary of State that up to the 2nd of May he had kept his office open at all hours of the day and night and had registered "fifty-six men, thirty-three women, and seventy-one children," as desirous of his protection

21. From a Report to Hon. Lewis Cass, Secretary of State, Washington, D. C., under date of May 2d, 1858. House Ex. Doc. 35th Cong., 2d Sess., Vol. II, Pt. II, pp. 91-97.

22. Hist. Brigham Young, *Ms.*, entry for 25th April, 1858, p. 436.

and assistance in proceeding to the states. "The large majority of these people are of English birth, and state that they leave the congregation from a desire to improve their circumstances, and realize elsewhere more money by their labor." Not because they were, or had been—let it be noted—abused by their co-religionists, or restrained of their freedom; but to better their industrial condition, which was quite beside the causes which were supposed to have called forth the Governor's "notice," offering to assist those alleged to be restrained of their freedom. "Certain leading men among the Mormons," continues the Governor's account of this matter, "have promised to furnish them flour, and assist them in leaving the country."[23]

Governor Cumming at the aforesaid meeting suggested that if any were present who were inclined to address the meeting on topics of interest to the community he would like to hear them—seeking doubtless by this means an expression of public sentiment. "This invitation," he reports, "brought forth in succession several powerful speakers who evidently exercised great influence over the masses of the people."[24]

Among these several speakers, and chiefly, were Elders Gilbert Clements and John Taylor. The speeches covered a wide

23. Cumming's Report to Cass. House Ex. Doc. 35th Congress, 2d Sess., Vol. II, Pt. II, pp. 94-5. This notion that people were held in Utah against their will doubtless arose from remarks of President Young made in what we may call the early days of the "Utah War;" when, on the 13th day of Sept., 1857, Captain Van Vliet being present, and on the stand in the Tabernacle, President Young said: "I have told you that if this people will live their religion, all will be well; and I have told you that if there is any man or woman that is not willing to destroy anything and everything of their property that would be of use to an enemy, if left, I wanted them to go out of the Territory; and I again say so to-day; for when the time comes to burn and lay waste our improvements, if any man undertakes to shield his, he will be sheared down; for 'judgment will be laid to the line and righteousness to the plummet.' Now the faint-hearted can go in peace; but should that time come, they must not interfere. Before I will suffer what I have in times gone by, there shall not be one building, nor one foot of lumber, nor a stick, nor a tree, nor a particle of grass and hay, that will burn, left in reach of our enemies. I am sworn, if driven to extremity, to utterly lay waste, in the name of Israel's God." (Journal of Discourses, Vol. V, p. 232.) The number in the community that accepted the invitation of Governor Cumming to receive his special protection and assistance to leave the territory was small even when it represented, in large majority, those who were desirous to leave in order to "realize elsewhere more money for their labor," as well as those who thought themselves restrained of their liberty—eighty-nine in all, exclusive of their children. Those persons who called upon Governor Cumming "generally wished to see him alone; and their wants were a little tobacco, sugar, coffee, tea, etc. One man thought a thousand dollars would do to get him away from this place [i. e. Utah]!" Hist. of Brigham Young, *Ms.*, 1858, pp. 465-6.

24. Report to Secretary of State Cass, before cited, *Id.*, p. 95.

A SCENE IN ECHO CANON

The accompanying engraving is a typical scene of the period of the current chapter, near the mouth of Echo Canon, taken from a photograph.

"Echo Canon has a total length of twenty-five or thirty miles, and runs in a southeasterly direction to the Weber river. Near the head it is from half to three-quarters of a mile wide but its regularity is such that no average breadth can be assigned to it. The height of the buttresses on the right or northren side varies from three hundred to five hundred feet. * * * Between them runs the clear, swift, bubbling stream in a pebbly bed, now hugging one, then the other side of the chasm, * * * and everywhere the watery margin is of the brightest green, and overgrown with grass, nettles, willow thickets, in which the hop is conspicuous, quaking ash, and other taller trees. ECHO CANON HAS BUT ONE FAULT: ITS SUBLIMITY WILL MAKE ALL SIMILAR FEATURES LOOK TAME."

(Captain Burton's City of the Saints—1860—p. 184)

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range of subjects. The persecutions of the Saints in the past, the injustice endured by non-interference in their behalf by those charged with the administration of the law; the discrimination against Utah in the matter of land pre-emption laws; the administration ignoring the selection of lists of officers from Utah for Territorial positions, the un-Americanism of dragooning upon an American community officers whom they had no voice in selecting, and who were declared to be, under all the circumstances, obnoxious to the people. "Let that army be removed and let an investigating committee come and diligently inquire into the cause of complaint," said Gilbert Clements, and he would say "that all would be well." "These troops" said Elder Taylor, must be withdrawn before we can have any officers palmed upon us." "We have never said we would not receive their officers," said Gilbert Clements, "but that we would not receive them at the point of the bayonet." Referring to Governor Cumming's claim that the army was in Utah for the protection of the people, the same speaker exclaimed—"why in the name of God did they not come when we were weak!" Governor Cumming parried these thrusts as best he could. The course of the Administration in the matter of appointing Territorial officers was the same in Utah as in other Territories. Other Territories, however, he was answered, had not the same crying necessity that Utah had for home rule; and had not sent in protests against the Washington appointments, with accompanying lists of local men—several for each office—from which the administration might choose, and which the petitioners begged and pleaded might be chosen; and in the event of it being impossible for these to be appointed, then in the name of American decency to "appoint *good men* to the offices." "The government had granted pre-emption rights to settlers in all the Territories but Utah," said John Taylor. "Not until the Indian title had been extinguished," replied Governor Cumming. "Why then has not the Indian title been extinguished in Utah?" retorted Taylor, to which there was no answer.

The meeting was quite spirited, not to say boisterous. Cumming reporting it to Secretary Cass says that the congregation became greatly excited and joined the speakers in their intemperate remarks, "exhibiting more frenzy than I had expected to

witness among a people who habitually exercised great self control." He adds:

"A speaker now represented the federal government as desirous of needlessly introducing the national troops into the Territory 'whether a necessity existed for their employment to support the civil officers or not,' and the wildest uproar ensued. I was fully confirmed in the opinion that this people, with their extraordinary religion and customs, would gladly encounter certain death than to be taxed with a submission to the military power, which they wrongfully consider to involve a loss of honor. In my first address I had informed them that they were entitled to a trial by their peers; that I had no intention of stationing the army in immediate contact with their settlements, and that the military *posse* would not be resorted to until other means of arrest had been tried and failed. I found the greatest difficulty in explaining these points, so great was the excitement. Eventually, however, the efforts of Brigham Young were successful in calming the tumult, and restoring order before the adjournment of the meeting."[25]

Doubtless the part of President Young in the meeting astonished his own following. He reproved Elder John Taylor, saying "the matters which Brother Taylor wished to bring before the people he did not wish to hear; he had seen enough of them" —referring doubtless to events in Missouri and Illinois, which Elder Taylor had discussed. "He had been mortified to see the enthusiasm manifested here today. Said he had used his influence and powers of mind and reason to keep the people from doing that which they believed to be their imperative duty. He hoped and believed that all matters would be amicably adjusted, and we in peace again."[26] With this the meeting closed.

25. The full report of Governor Cumming to Secretary Cass will be found in House Ex. Doc. 35th Cong., 2d Sess., Vol. II, Pt. II, pp. 91-97.

26. Hist. Brigham Young, *Ms.*, entry 25th April, 1858, pp. 443-4. This meeting Stenhouse represents as "an understood thing;" that the participants were but acting the parts of seeming boisterousness and disorder; and represents that years afterwards Governor Cumming in conversation declared to him [Stenhouse] that "it was all humbug," and "all of a piece with the incidents of his passage through Echo Canon." (Rocky Mountain Saints, p. 393.) Stenhouse urges that such subterfuge was resorted to on the one hand to save Brigham Young from an appearance of personal submission to Gentile authority, and on the other to save President Buchanan from "the appearance of folly in the beginning, and weakness in the ending of the Utah Expedition" (*Id.*). Just how this was achieved by playing at boisterousness in this meeting is not very clear. Linn after presenting the Stenhouse view of the matter half skeptically remarks: "If all this was a piece of acting, arranged by Young to show his flock that he was making no abject surrender, it was well done." (Story of the Mormons, p. 509). On one point Governor Cumming

In the afternoon President Young addressed the meeting and expressed confidence that in the "present move of the Saints. * * * God would over rule for their good, and it would redound to his honor and glory." He "exhorted the brethren to be patient and let the Lord work. Said he did not think we were prepared to meet the blow, and therefore thought the Lord would arrest it for a time."[27]

Meantime "The Move South" continued; hundreds of wagons daily thronged the highways, and the settlements of Utah county were crowded with south bound emigrants for an unknown destination. Governor Cumming made several journeys along this line of moving caravans between Provo and Salt Lake City, vainly pleading with the people to return to their homes. On one of these journeys from Provo to Salt Lake City, in company with Colonel Kane, he met four hundred wagons between Provo and Willow Creek (a small stream east of the settlement of Draper); and two hundred more between that point and Salt Lake City.[28] In a subsequent journey between Springville and Salt Lake City (May 6th), the same gentlemen met eight hundred teams *en route* south.[29] Cumming appealed to Brigham Young to know "if there was not some way to stop the moving. President Young replied that if the troops were withdrawn from

appeared extremely sensitive. One of the speakers (Clements) had inadvertently said that President Buchanan as a climax to his atrocities had appointed "a Missourian to govern the Mormons;" whereupon the Governor somewhat excited shouted that he was *no Missourian—"I am a Georgian, Sir; a Georgian!"* The speaker stood corrected. A line in one of the campfire verses of doggerel made the same mistake:

"Old Sam has sent I understand
Du dah!
A Missouri Ass to rule our land,
Du dah! Du dah day, etc."

Geo. A. Smith, the Church Historian, also believed up to the arrival of Cumming in Salt Lake City, that he was not only a Missourian, but one of the Jackson county mob. "I supposed from his name," said he in his speech before the Peace Commissioners, "he was one of the Jackson county mobbers. I have but recently learned that he is *not* the Cummin of the Jackson mob, but a gentleman from Georgia. From the first I heard of his appointment until I saw his face I held him in utter horror and detestation"—(Hist. of Brigham Young, *Ms.*, June, 1858, 647)—confounding him with one *Cummin*, an Indian agent at Independence, Jackson county, Missouri, whose name is signed with a number of others of the Jackson mob, to a manifesto against the Saints (see Journal Hist. of the Church, Vol. I, p. 376).

27. Hist. Brigham Young, *Ms.*, 1858, pp. 445-6.

28. *Ibid*, p. 475.

29. *Ibid*, p. 490. "It made Governor Cumming feel bad to see the moving," says the Chronicle.

the Territory, the people would stop moving; but that ninety-nine out of every hundred of this people, would rather live out their lives in the mountains than endure the oppression the Federal government was now heaping upon them." Governor Cumming said "he would show Governor Young his reports to the government: and he would do all he could to prevent the troops from coming into the settlements, and more from coming into the Territory (the California mail had a few days before brought word that the government was about to send six thousand more troops to Utah); and if they would come in [i. e. in spite of his efforts] he would say to the people 'take care of yourselves'."[30]

At this outburst of feeling, so favorable to the people of Utah, President Young humorously remarked—"In that case you might as well join us and 'use them up' [i. e. the army]. Cumming answered he could not quite come that yet."[31]

In the midst of these conditions Col. Kane received word of the death of his father, Judge John K. Kane, and felt the necessity of hastening his departure for the east. On the 4th of May, in an interview, Governor Cumming informed President Young of his intention to return to Camp Scott and bring in Mrs. Cumming. He would require the army to remain where it was until he got returns from the dispatches he had just prepared to send to Washington by Col. Kane, and if they refused to obey his orders, *he would call upon the militia of the Territory to see that they did.*"[32]

This matter of the movement of the troops from Camp Scott to Salt Lake Valley was rapidly approaching a crisis. Spring had come; the road ways and canons would soon be relieved of snow-drifts and become passable. The cattle on Henry's Fork of Green river, guarded by Col. Cooke's dragoons, had thriven well, and from that quarter sufficient teams could be had to move two hundred wagons. The supply trains that had been parked during the winter at Fort Laramie were approaching Camp Scott, under Col. Hoffman's command. So, too, was Cap-

30. Hist. of Brigham Young, *Ms.*, entry for 30th April, pp. 469, 470.
31. *Ibid*, pp. 567-8.
32. *Ibid*, p. 475.

tain Marcy with 1,500 miles and horses he had collected during the winter in New Mexico, the herds being guarded by an escort of five companies of infantry and mounted riflemen. More than three thousand re-inforcements had concentrated at Fort Leavenworth and with abundant supply trains were prepared to march. Johnston himself had sent word to Governor Cumming of his intention to arrive in Salt Lake City on the first of June, and that he would "plant one [army post] in Salt Lake City, and another on Provo Bench."[33] Hence if any thing was to be done to head off this movement, and save the Territory from the threatened devastation by the people, it must be done at once.

On the 13th of May Governor Cumming and Col. Kane left Salt Lake City, the latter to continue his journey eastward with dispatches from Governor Cumming to the Administration, the former to bring in his wife and disuade Johnston from taking up his march for Salt Lake City until he could receive answers from his dispatches to President Buchanan.

Before leaving the city Colonel Kane assured President Young, in conversation, that he approved of the course he and the Saints had taken, saying—"*It is the cream of creams.* You have taken the right course, and I want you to keep it; I would not have had you take any other course for anything." This President Young reported to a number of the brethren a few days after the departure of the Colonel for the east.[34] On the same occasion President Young also stated that Col. Kane had said that in conversation with President Buchanan on the eve of his [Kane's] starting for the west, he had told the President of the United States that "*as an American citizen he would make an apology for him to Governor Young, as it was due for not sending him a notice that he was going to send an army to Great Salt Lake City.*"[35]

Referring to this and to the support of his policy by Col. Kane President Young said: "This is the reason why we have let the army alone. Kane said, 'I have feared all the time you would

33. *Ibid*, p. 500-1.

34. Hist. of Brigham Young, *Ms.*, entry for May 24th, 1858, p. 567-8. Also Woodruff's Journal, entry for 25th of May, 1858.

35. *Ibid.*

chew that whole army up'."[36] President Young added "that General Sam Houston had it right when he said, 'if you [the U. S.] make war upon them [i. e. Mormons], *you will get awfully whipped'*."[37]

At Camp Scott, Kane was heartily disliked, and even hated. It was plain to be seen that if his efforts for reconciliation were successful, the army sent to Utah with so much pomp and circumstance, but which had suffered so much both of physical discomfort and humiliation of military pride, would have no opportunity of making conquest of the "wretched fanatics," by whom it had been placed at such disadvantage in the eyes of the country, and of the world. It was reported that two attempts were made upon the Colonel's life at Camp Scott, but what grounds existed for such report our annals do not disclose.[38]

The Colonel was accompanied by a special mounted escort of six men, selected by President Young, with reference to their experience as plainsmen, endurance, fidelity, and courage. Major Howard Egan was commander of the escort, of which John Mudock,—West, John Q. Knowlton,—Van Ettan, and—Worthing were the members.[39]

The overland journey from Fort Bridger to Florence, Nebraska, the "Winter Quarters" of previous years—was made in twenty-three days; and here, after entertaining them at dinner, where he expressed his gratitude for their attentions to, and their watchfulness over him, the Colonel separated from his

36. *Ibid*, p. 568.

37. *Ibid.* Houston's speech will be found in Congressional Globe, 35th Congress, 1st Sess., Pt. I, pp. 873-5, 25th Feb., 1858. Houston said: "They [i. e. the Mormons] will fight; and if they fight he [Johnston] will get miserably whipped." For further comment by Senator Houston upon the probable results of a war with the "Mormons," see Note 1, end of Chapter. Doubtless the Senator's views upon the advantages that he supposed were with the people of Utah, in the event of war, were extravagant; but they were shared by many other people, and it was to the advantage of the Saints that such was the case. Many others, and among them Colonel Johnston, held other views, and regarded the resistance that the people of Utah could make as not very formidable. Happily the issue of opinion thus joined, never came to trial.

38. Thomas Bullock writing from Chimney Rock,—some distance east of Fort Bridger,—while *en route* for Salt Lake City, wrote the editor of the *Millennial Star*, under date of 27th of May, as follows: * * * I understand that hell is at Fort Bridger, and we don't want to go there. The soldiers were as mad as devils when Col. Kane and his escort passed through their midst; and they have made two attempts to kill the Colonel, but have failed." *Mill. Star*, Vol. XX, p. 476.

39. *Mill. Star*, Vol. XX, p. 467. Murdock's Biographical Sketch—Tanner, 1909, Ch. VII.

escort, excepting Major Egan, who accompanied him to Washington, in order to bring return dispatches from the administration; his companions of the escort, meantime, awaiting his return at Florence.

NOTE 1: SENATOR SAM HOUSTON ON THE "UTAH WAR." "The more men you send to the Mormon war, the more you increase the difficulty. They have to be fed. For some sixteen hundred miles you have to transport provisions. The regiments sent there have found Fort Bridger and other places, as they approached them, heaps of ashes. They will find Salt Lake, if they ever reach it, a heap of ashes. They will find that they will have to fight against Russia and the Russians. Whoever goes there will meet the fate of Napoleon's army when he went to Moscow. Just as sure as we are now standing in the Senate, these people, if they fight at all, will fight desperately. They are defending their homes. They are fighting to prevent the execution of threats that have been made, which touch their hearths and their families; and depend upon it they will fight until every man perishes before he surrenders. That is not all. If they do not choose to go into conflict immediately, they will secure their women and children in the fastnesses of the mountains; they have provisions for two years, [an error] and they will carry on a guerilla warfare which will be most terrific to the troops you send there. * * * How long could they delay your army in that way? And when they arrived at Salt Lake, exhausted, worn down, without supplies and munitions, in what situation would they be to take to the mountains and to pursue these men in their fastnesses where ten men could resist a thousand? When the troops are in these canyons the rocks could be hurled down on them; and it could easily be done, for they are now in almost a quivering condition, and the least exertion will cast them down. With five hundred, or even fifty men, they could destroy an army of *ten thousand,* if they were in one of these gorges, and they chose to hurl down the rocks upon the troops. I am told there is a road for fifty miles which you have to pass, that is very difficult under the most favorable circumstances. * * * "I know not what course will be taken on this subject. I hope it will be one of conciliation. As for troops to conquer the Mormons, fifty thousand would be as inefficient as two or three thousand; and in proportion as you send troops in that vast region, without supplies, and without the hope of them, with no means of subsistence after a certain period, unless it is transported to them, the greater will be your danger. Consider the facilities these people have to cut off your supplies. I say your men will never

return, but their bones will whiten the Valley of Salt Lake. * * * They will fight; and if they fight, he (Johnston) will get miserably whipped. (*Deseret News,* June 2, 1858. Vol. VIII, p. 62). Also Congressional Globe, 35th Cong., 1st Sess. Pt. I, pp. 873-5. 25th Feb. 1858.

CHAPTER XCIV

Press Criticism of the Buchanan Administration for its Course Towards Utah

Meantime important events had been happening in the east. President Buchanan found his administration severely criticized for sending an army to Utah without first ascertaining by an official investigation whether or not there was any occasion for such a spectacular movement.[1]

It is now known that Lieutenant General Winfield Scott did not approve of sending the army to Utah at all, on "the general ground of inexpediency," and especially because the season at which it was concluded to send them "was too late for the troops to reach their destination in comfort or even in safety; he expressed the belief that the movement was inaugurated merely to give occasion for large contracts and expenditures, that is, to open a wide field for fraud and peculation"; but he exonorates Governor Cumming, Col. Johnston and the army officers generally from both knowledge of, and complicity in, the scheme of peculation.[2]

1. Linn, influenced by the statements of Stenhouse (Rocky Mountain Saints, p. 386), denies that the administration was influenced to change its policy by criticism for sending an army to Utah before an inquiry into the causes of the alleged offenses had been made, and takes to task Bancroft for accepting "the ridiculous Mormon assertion that Buchanan was compelled to change his policy toward the Mormons by unfavorable comments 'throughout the United States and throughout Europe.'" (Story of the Mormons, p. 501, and *note*). Bancroft's statement (Hist. of Utah, p. 529) is not sustained by citations of authority for his declaration, but the evidence will be supplied by the text and citations in this chapter.

2. "The expedition set on foot by Mr. Secretary Floyd, in 1857, against the Mormons and Indians about Salt Lake, was, beyond a doubt, to give occasion for large contracts and expenditures, that is, to open a wide field for frauds and peculation. This purpose was not comprehended nor scarcely suspected in, perhaps, a year; but, observing the desperate characters who frequented the Secretary, some of whom had desks near him, suspicion was at length excited. *Scott protested against the expedition on the general ground of inexpediency,* and specially because the season was too late for the troops to reach their destination in comfort or even

We have already seen that General Harney had no stomach for the enterprise and induced his friend, Governor Walker, to represent to the War Department that his presence was so necessary in Kansas that he should be relieved of the command of the Expedition; though lateness in starting, and the fears of Gen. Harney of the rigors of a probable winter in the mountains, are assigned as the reasons for this manifest reluctance.

We have also seen that Senator Henry Wilson of Massachusetts, in the senate of the United States, as early as January 27th, 1858, introduced a joint resolution authorizing the appointment of a commissioner to examine into the Mormon difficulties "with a view to their settlement"; and although this resolution was referred to the senate committee on military affairs, and was never heard of again,[3] yet the New York *Tribune* took up the matter, as we have already seen, and commented at length upon Mr. Wilson's resolution, showing that the country at large was very much in need of ascertaining by "thorough investigation of the grounds upon which we [i. e. the United States] stand, and a distinct settlement in our own minds of what precisely we intend to do, and the means and methods which we propose to employ"; and adding: "as yet, as to all these points, there prevails both in the public mind and at Washington, upon this subject, nothing but the most vague ideas." The *Tribune* reminds the administration that "the vast expense which must attend the maintainance of our army in Utah, not to mention the horrors of civil war, and the desperate character of the resist-

in safety. Particular facts, observed by different officers, if united, would prove the imputation. The Governor of the Territory, Mr. Cumming; the commander of the troops, Brigadier-General A. S. Johnston, and our officers, stood above all suspicion of complicity." (Autobiography of Lieut. Gen. Winfield Scott, Sheldon & Co., publishers, N. Y., 1864, p. 604). In the book, "Mr. Buchanan's Administration on the Eve of the Rebellion" (Appleton & Co., N. Y., pp. 238-9) Mr. Buchanan is no little surprised to learn that Gen. Scott "had protested against the Utah Expedition;" and holds that from a reference to the instructions from the General [Scott] to Gen. Harney, the President could not have inferred the existence of any such protest;" and the author further claims that "most certainly Mr. Buchanan, until he read the autobiography [of Scott], never learned that General Scott had protested against the Utah Expedition." It may be that the protest of General Scott was expressed only to the Secretary of War, his immediate head in the military department, and had no further hearing; but we must needs accept the statement of his Memoirs or question the veracity of a man who, while possessed of many foibles in character, was nevertheless possessed of the soldierly quality of a high sense of honor, of which truthfulness is necessarily the basis.

3. *Atlantic Monthly*, April, 476. Congressional Globe, 35th Congress, 1st Sess., Pt. 1, p. 428.

ance which the Mormons threaten to oppose to the entrance of the troops, affords abundant reason why the necessity of this operation should be fully established and its object clearly explained."[4]

But previous to this, when the news of Mormon resistance to the army by burning the grass of the ranges, and also burning some of the supply trains, reached the east, very wide spread and severe criticism was made of the government's course, not only in sending the army so late upon its long march to Salt Lake Valley, but going beyond that into an inquiry as to why it was sent at all. A correspondent of the New York *Herald,* under date of November 12th, wrote:

"Justice to the gallant men who have been ordered on this needlessly desperate service, requires that the plain unvarnished facts should go out to the country; so that, in the event of a disgraceful catastrophe (which from all appearances, does not seem improbable), the public may know with whom to settle the account."[5]

On the 23d of December, Mr. Warren, of Arkansas moved the adoption of a resolution directing an inquiry into the propriety of excluding Utah's Delegate from a seat in the house on account of the Territory being in a state of rebellion against the United States; whereupon the N. Y. Daily *Times* points out that this was improper procedure, and adds:

"This action strikes us as being much more hasty than wise. It is like most of the anti-Mormon movements—the result of impulse rather than good policy or common sense. It would puzzle ordinary men, we suspect, to explain why a hostile army was sent against Utah at the outset. There were undoubted disorders in the affairs of the Territory; but it has never yet been shown that they were such as could only be remedied by fire and sword. * * * The whole Utah business has been mismanaged in the most extraordinary manner from the beginning; and if it does not end in open and bloody rebellion, it is not likely to

4. New York *Tribune,* Jan. 30th, 1858. This Hist., Note 1, Ch. XCI.
5. N. Y. *Herald,* Nov. 12th, 1857. Copied into *Mill. Star,* Vol. XIX, p. 814.

be saved from that issue by any special wisdom on the part of the General Government."[6]

The N. Y. *Tribune* commenting on a letter received from its own special Utah correspondent, dated Nov. 5th, and therefore depicting conditions attending the Expedition at their worst, said:

"The annals of military operations are sufficiently full of disastrous blunders; but they will scarcely furnish a more striking instance of the kind than this sending of two thousand men a thousand miles into the wilderness, to pass the winter at that dreary place. For any purpose of operating against the Mormons, these troops would have been a hundred times better posted, had they remained in Kansas. A start from Kansas early in the spring would have brought them to Salt Lake City by midsummer,—quite as soon as they can expect to arrive there now, even if the cold, and the Mormons, and the diet of lean beef, which forms the chief part of their rations, should leave them, when the spring opens, with numbers, strength, or spirit for the enterprise."

Again, the *Tribune* said:

"Had it been the object of the Government to encourage Brigham Young to oppose the entrance of the troops into Utah, and to aid the Mormon leaders in working up the fanaticism of their deluded followers to the highest pitch of desperate resolution, they could hardly have chosen a method of procedure better adapted to that end. If the troops, according to the original plan, had pushed forward in the spring and arrived in Utah by July, as they might and should have done, it is not likely that any resistance would have been opposed to their entrance into the country, or that the civil officers would have found any serious difficulty in entering upon the formal discharge of their duties.

After this the same great journal proceeds to point out that the administration had exposed itself to the suspicion that *it never intended any movement against the Mormons at all,* but

6. N. Y. *Daily Times* of Dec. 24, 1857. "The tone of the debate," says Col. Albert G. Brown, in *Atlantic Monthly* for April, 1859, "showed there was little difference of opinion in the House concerning Utah affairs; the unanimity, however, being due in part to ignorance and indifference. The issue of slavery in Kansas was absorbing. Mr. Warren's resolution was referred to the Committee on Territories, and slumbered upon their tables through the whole session" (p. 476).

that its fell purpose was to coerce the freestate men of Kansas to accept the policy of the administration for the admission of Kansas as a slave state. Following is the passage from the *Tribune*:

"The political exigencies of Kansas, and the retention of the troops in that Territory to aid in keeping down the freestate men, and sustaining the border-ruffian regime, having interfered with this movement [i. e. the early departure of the troops for Utah], evidently the true policy would have been to have held back the troops for the winter. In that case, the Mormons, would probably have regarded the expedition as abandoned. At all events the interval might have been employed in disseminating among them a more correct idea of the real object of the enterprise; and when the army moved forward in the spring, it might have been in such force as to deter the Mormon leaders from the idea of an armed resistance.

"Instead of either of these reasonable courses, *finding itself exposed to the suspicion of never having really intended any movement against the Mormons,* the Government undertook to relieve itself from that charge by precipitating the troops, just at the beginning of the winter, into a position where they can do no good, where they are exposed to suffer greatly, and in which, worn down and diminished in strength and numbers, as they necessarily must be by a winter spent in cantonments under such circumstances, should the Mormons attack them in the spring, they may have great difficulty to maintain themselves till supplies and reinforcements can come up.

"In addition to all the other criticisms to which this unlucky winter encampment at Fort Bridger lies open, in the present state of the Federal treasury, the expense of it is not to be overlooked. The exceedingly heavy cost of transportating to such a distance and through such a country a six or eight months's supply for two thousand men will be entirely thrown away."[7]

Referring again to the subject in January, the *Tribune* said:

"The Government at Washington, by its shameful mismanagement of this whole expedition, has placed Colonel Johnston and his whole army in this dangerous position. What does that Government intend to do by way of getting them out of it? Does it intend to leave these two thousand men, or such of them as

7. New York *Tribune* quoted in *Mill. Star*, Vol. XX, pp. 108-9.

may survive the winter, to be cut to pieces by the Mormons in the spring? If not, something ought to be done at once for their relief and re-enforcements. Merely issuing orders for new troops to hold themselves in readiness to march in the spring does not at all meet the necessities of the case. Long before these troops could arrive, it might be all over with the force they were sent to relieve. The responsibility of this whole business rests upon the government, and a very serious responsibility it is. Should Colonel Johnston and his two thousand men come to any harm, their blood will rest upon the heads of those who placed them in their present position.[8]

On the 27th of January, a resolution introduced by Mr. Zollicoffer of Tennessee, was passed by a unanimous vote in the national House of Representatives requesting the President to submit to the House the information which gave rise to the military expedition to Utah, together with the orders and correspondence; and on the 26th of February this information was sent to the House by the President. When it was published the New York *Herald* remarked that the documents "contain nothing of importance on the subject that is not familiar to the public."[9]

The New York *Times* commenting on the Zollicoffer resolution the day following its introduction, said:

"We are very glad to learn that a resolution was adopted yesterday in Congress, on the motion of Mr. Zollicoffer, of Tennessee, calling on the President for information in relation to the difficulty with the Mormons, as to the causes for the Utah expedition, and whether Brigham Young is actually in a state of rebellion or resistance to the United States authorities. The resolution will probably elicit some highly interesting information, and furnish the people with satisfactory reasons for the extraordinary preparations which appear to be on foot for sending a great military force to Salt Lake City. * * *

* * * "The general feeling of the people of the Union in all sections, and of all sects and parties, is so decidedly adverse to the Mormons that the Government is not likely to be held to a very strict account for its acts towards them, *even though they*

8. N. Y. *Tribune*, 14th of January, 1858; *Deseret News* of 21st April, 1858.
9. N. Y. *Herald* quoted in *Mill. Star*, Vol. XX, p. 214.

should be utterly exterminated, or driven from their present resting place.

* * * We are very glad therefore, that Mr. Zollicoffer has asked for more light on the subject, and we await the President's reply to the call with no small degree of interest."[10]

The *Times* would doubtless share the disappointment and the disgust of the *Herald,* expressed above, when the documents were published.

In the senate during the discussion of a proposed bill to increase the regular army—which was mainly urged on the ground of necessity because of the unsettled state of affairs in Utah—the administration was subjected to criticism for the course pursued towards Utah. Senator Sam Houston, of Texas, already quoted in this chapter said:

"I am opposed to the increase of the regular army; and if it is intended for the Mormons, I tell you that we cannot wait two years to raise troops to subdue them. If they have to be subdued —and God defend us from such a result—and the valley of Salt Lake is to be ensanguined with the blood of American citizens, I think it will be one of the most fearful calamities that has befallen this country, from its inception to the present moment. I deprecate it as an intolerable evil. I am satisfied that the Executive has not had the information he ought to have had on this subject before making such a movement as he has directed to be made. I am convinced that facts have been concealed from him. I think his wisdom and patriotism should have dictated the propriety of ascertaining, in the first place, whether the people of Utah were willing to submit to the authority of the United States. Why not send to them men to whom they could unbosom themselves, and see whether they would say, 'We are ready to submit to the authorities of the United States, if you send to us honest men and gentlemen, whose morals, whose wisdom, and whose character, comport with the high station they fill; we will surrender to them; we will give up our (political) authority, and act in obedience to the laws of the United States.' If this course had been taken by the Executive, I am sure he would never have recommended war; and if the facts had been before the Secretary of War, I am sure he never would have made the recommendation which he has submitted to us."[11]

10. N. Y. *Times,* Jan. 28th, 1858; *Deseret News* of May 5th, 1858.
11. Congressional Globe, 35th Congress, 1st Sess., Pt. I, pp. 837-5.

There can be no question, then, but what the Administration was sharply criticised for its action in sending an army to Utah without previous official investigation of the alleged misconduct on the part of the Latter-day Saints and their leaders; and that criticism during the winter grew sharper as the scandals about the contracts for army supplies and their shipment across the plains began to develop;[12] and again sharper when news of the "Mormon Exodus from Utah" reached the east, and the public mind was made to realize the seriousness of the administration's blunder in sending troops to Utah.[13]

Early in February dispatches were sent from Washington to the New York *Herald* reporting that Utah's Delegate to congress, Dr. Bernhisel, had held several long consultations with President Buchanan, in which he had proposed that the army should be withdrawn from Utah and that a commission be dispatched to the territory to arrange for the settlement of its difficulties. It was said that the President "rejected rather than received the proposition which Bernhisel made in virtue of his power as delegate from Utah, and not pursuant of instructions from Governor Young."[14]

12. Linn declares it was these scandals coming to light that stopped Gen. Scott from going to the Pacific Coast to direct activities against Utah from that point. ("Story of the Mormons," p. 500.)

13. For a collection of these criticisms following the news in the east that the Mormon exodus had began, see Note 1, end of Chapter.

14. Washington dispatches to the N. Y. *Herald*, 1st and 5th of February, 1858. The Washington correspondent of the *Herald* about the same time wrote: "That propositions for the prevention of hostilities in Utah have been seriously talked over with the President is unquestionable, and that he would accede to honorable arrangements by which the effusion of blood could be spared is a matter on which I can entertain no manner of doubt. * * * If President Buchanan can get rid of the Mormons by negotiation, instead of by the sword, he will find many to sustain him in this measure. However much the Mormons may be despised, and however much their doctrines may be abhorred, fratricidal war is repugnant to the feelings, and only a dire alternative which finds approbation when every other means have failed. Many who anticipated a job, and counted on the part of the spoils to be gathered from fitting out expedition after expedition, with all the paraphernalia of war, the subsistence of troops, etc., may be disappointed and cry out war, war, still more lustily; but the satisfaction of those who have no such hopes, and who would undoubtedly be called upon to replenish the treasury to the tune of forty or fifty millions before the war was ended, as that sum has frequently been named in connection with this prospective war, will be a compensation to out balance the disappointment of the former. Again: who can calculate the amount of misery which would, as a matter of consequence, befall thousands of harmless women and children, should that Territory be put to the sword. * * * It is probably premature to speak of withdrawing the troops; but that hostilities may be retarded to permit of the last effort being made to settle peaceably the difficulty, by vacating

It may be that President Buchanan rejected these proposals from Bernhisel early in February, but later he evidently thought better of them; at least so far as appointing a Peace Commission to effect a settlement of affairs in Utah is concerned; for in April, President Buchanan appointed as Peace Commissioners to Utah *Messrs.* L. W. Powell, who had lately been governor of the state of Kentucky, and was now United States senator-elect from that state; and Major Ben McCulloch, of Texas, who had served with distinction in the war with Mexico. The president entrusted them with a signed Proclamation of Pardon, bearing the date of the sixth of April, 1858. It recited at considerable length the offenses popularly alleged against the Latter-day Saints and their Church leaders, declaring them to be in a state of "rebellion" and "treason,"[15] yet "in order to save the effusion of blood, and to avoid the indiscriminate punishment of a whole people for crimes of which it is not probable that all are equally guilty," he offered "a free pardon to all who will submit themselves to the authority of the federal government." As this action was taken before the possibility of the reception of the news in the east that Colonel Kane had succeeded in bringing Governor Cumming into Salt Lake City without troops, and having him "everywhere recognized as the Governor of Utah";[16] and before the news could possibly have reached the east that President Young had inaugurated the desertion of Utah by the Latter-day Saints—threatened as a possibility from the beginning of hostilities—the action in appointing this "Peace Commission," could have been caused by no other consideration than that rising storm of public criticism, awakened first by the spirited resistence of the people of Utah under the leadership of Brigham Young; and deepened when it became known that the Saints were actually deserting their settlements, with every preparation made to lay waste their country and leave it a fire-blackened des-

the Territory or by some other compromise, is neither impossible nor improbable. You would be astonished to see how many favor this new move." (Correspondence to the N. Y. *Herald.* Copied in *Deseret News* of April 7th, 1858.)

15. For consideration of this charge of "rebellion" and "treason" see Note 2, end of Chapter.

16. That news did not reach the Administration until early in June. See Special Message of Pres. Buchanan to Congress, dated June 10th, 1858. Messages and papers of the Presidents, Vol. V, p. 487.

olation. Governor Young's Proclamation, which designated the U. S. Army for Utah as a mob, and forbade its entrance into the Territory, or, if it had already crossed its borders, then to depart by the way it came; followed as it was by steps to hinder the army's progress towards Salt Lake City by burning the grass before it, running off its stock and burning its trains—in themselves acts of war—gave to the world evidence of the terrible earnestness of the Saints in resisting an infringement of their rights as American citizens, and what they regarded as a menace to their community existence. If Brigham Young and his followers had the daring to take these war-like measures, which put the forces under Col. Johnston at their mercy, and exhibited the blundering of an American administration to the world, it was a moral certainly that the Saints would go the rest of the way with their program of resistance: they would lay waste their country, flee to the desert, perish by thousands it might be, but they would leave the shame of it to those who had pursued them with military terrors; they would leave the great Republic of the western world, to be arraigned before the civilization of an age of boasted religious freedom and Christian enlightenment. Fronted with these great, moral responsibilities there was no other thing for the Buchanan administration to do than to seek a peaceful solution of the Utah troubles by abandoning everything like an armed conquest of the people, and grant them pardon of their offenses, fancied or real.

Hence the "Peace Commission" for Utah.[17] And in that remarkable change of public sentiment towards the Latter-day Saints, which made the commission possible, and led the press of the country that but a short time before looked complacently upon the prospect of the "Mormon question" being settled by a famine[18]—occasioned by a combination of drought and a plague of grasshoppers, by which the people would be destroyed—to the attitude of defending them against the injustice of the Buchanan

17. "In their appointment," says Col. Albert G. Brown, "Mr. Buchanan imitated the example of President Washington, who designated a similar commission to convey his proclamation (providing for peaceful submission within a limited time) to the whiskey-insurgents in Pennsylvania (1794)." Utah Expedition, *Atlantic Monthly*, April, 1859; c. f. Hist. U. S., Bryant, Gay, Brooks, Scribner's, Vol. IV, pp. 118, *et seq.*

18. See *Anti*, ch. LXXXIII, note 20; and note 1, end of ch. LXXXIII.

administration, and so censuring that administration that its policy was changed (abundantly made apparent in the text of this chapter, and supplemented by the quotations from leading journals in Note 1)—the Latter-day Saints of that period saw the hand of the Lord plainly manifested in their deliverance in a manner most remarkable. So remarkable, indeed, that it has no parallel save only in the softening of the Egyptian Pharoah's heart towards ancient Israel, that they might accomplish Jehovah's purposes.[19]

NOTE 1. CRITICISM OF THE FEDERAL ADMINISTRATION FOR SENDING THE ARMY TO UTAH, AFTER THE NEWS THAT THE THREATENED MORMON EXODUS FROM UTAH HAD BEGUN, REACHED THE EAST: After describing the settlements in the north part of the Territory that had been abandoned, the N. Y. *Tribune* said:

"All these settlements, built up in the course of ten or eleven years by the untiring industry of the Mormons, are now in the progress of abandonment, and decreed, on the advancement of the troops into the valley, total destruction. It is probable, also, though that does not yet distinctly appear, that this abandonment extends to the line of settlements along the shores of Utah Lake, some sixty miles south of Salt Lake City, and of which Provo, containing about four thousand inhabitants, is the principal.

"Where these unhappy people are to go, or what is to become of them, does not appear. They are moving south; but, so far as we know, there are in that direction no inhabitable tracts of any considerable extent within seven hundred miles of their late settlements. So extraordinary a migration is hardly paralleled in history. The depopulation of Acadia, a hundred years ago—strong political reasons as there were for it—has not left a very

19. Relating to a local event in their early experience the Saints had a direct promise of this kind; and one can see no reason why the principle and promise should not be expanded to meet more general conditions of hazard and impending danger, such as the peril involved in the events dealt with in this "Utah War" episode. The local event referred to was in connection with the expulsion of the Saints from Jackson county, and their course of action pending arrangements for their return to the lands from which they had been driven:—

"And behold, I [the Lord] will give unto you favor and grace in their eyes [i. e. of the people of Clay county, Mo.], that you may rest in peace and safety, while you are saying unto the people, 'Execute judgment and justice for us according to law, and redress us of our wrongs.' * * *

"And I will soften the hearts of the people, as I did the heart of Pharaoh, from time to time, until my servant Joseph Smith, Jr., and mine elders, whom I have appointed, shall have time to gather up the strength of my house." (Doc. & Cov., sec. cv; 25, 27).

fragrant odour behind it. The driving of the Mormons from their homes, by military terror, will hardly contribute much to the honour of the country, or to the posthumous reputation of Mr. Buchanan's presidency." (N. Y. *Tribune,* May 8th, 1885).

About a month later the *Tribune* remarked:

"He (Governor Cumming) is evidently very little pleased with the idea of being left Governor of a deserted Territory, from which the inhabitants had fled at his approach. He exhibits much anxiety to put a stop to the migration of the Mormons. * * * Should the Mormons execute their threat of burning Salt Lake City and abandoning that part of the Territory, it may be questioned whether, so far as facilities are concerned for overland communication between the Mississippi Valley and the Pacific, anything would be gained by the change. There can be no question that the Mormon settlement has proved a great convenience to travel by that route; and, taking as true all the charges and complaints which have been made against the Mormons, it may well be doubted whether the sort of population which would be likely to succeed them would be found more hospitable or less exacting. To anybody but the Mormons, the Salt Lake Valley could hold out little attraction, except as a convenient station for levying a heavy tribute on the travel to and from California; and it is very doubtful whether the miscellaneous vagabonds of the prairies, into whose occupancy the Valley would be likely to fall, might not soon become much more obnoxious to travellers by that route than the Mormons ever have been." (N. Y. *Tribune* June 12th, 1858).

The N. Y. *Times,* two days later, said:

"Governor Cumming seems to have treated the 'Mormons' kindly, but with a good degree of frankness and of firmness. His tone was very different from that observed by Colonel Johnston, in his negotiations at the head of the army,—being much more respectful and conciliatory, and much better calculated to win the confidence and command the assent of the 'Mormon' community. In fact, the whole military movement against them seems to have been a blunder, and to have accomplished nothing. * * * If President Buchanan had begun operations by sending the Governor alone, or by sending his ridiculous 'Peace Commission,' and said nothing about an army until these endeavors had been repulsed, there is no great reason to doubt that he would have attained the same result, and saved some ten or twelve millions of dollars to the Federal Treasury.

* * * The *Union* [an administrative newspaper] will find it difficult to manufacture any great amount of glory for its em-

ployers out of the Utah war. Their 'energy' has been mainly shown in rolling up a mountain of expense, without having the slightest possible advantage to show for it.

"It is impossible to read Governor Cumming's dispatch without feelings of pity and almost respect for the fanatics who were leaving their homes and plunging into the remote wilderness, to avoid what they were evidently sincere in regarding as tyranny and oppression on the part of the government. Governor Cumming himself was evidently impressed by their earnestness, and by no means inclined to underrate the resistance they would have offered to the violent coercion of the army." (N. Y. *Times,* June 14th, 1858).

Three days later the *Times* returned to the subject:

"No dispassionate person, whatever his political partialities, can fail to see that the various enterprises undertaken by Mr. Buchanan do not seem to prosper in his hands. * * * The Mormon war was as promising a little quarrel as ever an enterprising statesman gloated over. It contained every element of success and popularity. Impudent imposture, murders, rapes, polygamy, treason, intrusion on the United States' Territory, defiance to the Government and to public opinion—nothing was wanting to convert our venerable President into a glorious crusader on behalf of law, order, morality, and national dignity. The pudding was full of plums. It, too, has failed him. Even Brigham the Prophet has not turned out as well as was expected, and refuses to be a traitor. * * *

* * * The latest news from Utah places the Administration in a position marked by a singular mixture of farce and tragedy, and the whole story of the war is crowded by as much ignorance, stupidity, and dishonesty as any Government ever managed to get in the annals of a single year. *An army was sent to chastise rebels before it was clearly ascertained whether or not there were any rebels to chastise.*

* * * Whatever our opinions may be of Mormon morals or Mormon manners, there can be no question that this voluntary and even cheerful abandonment by 40,000 people of homes created by wonderful industry, in the midst of trackless wastes, after years of hardship and persecution, is something from which no one who has a particle of sympathy with pluck, fortitude, and constancy can withhold his admiration. Right or wrong, sincerity thus attested is not a thing to be sneered at. True or false, a faith to which so many men and women prove their loyalty, by such sacrifices, is a force in the world. After this last demonstration of what fanaticism can do, we think it would be most unwise to treat Mormonism as a nuisance to be

abated by a *posse comitatus*. It is no longer a social excrescence to be cut off by the sword; it is a power to be combatted by the most skillful, political, and moral treatment. When people abandon their homes to plunge with women and children into a wilderness, to seek new settlements, they know not where, they give a higher proof of courage than if they fought for them. When the Dutch submerged Holland, to save it from invaders, they had heartier plaudits showered on them than if they had fertilized its soil with their blood. We have certainly the satisfaction of knowing that we have to deal with foemen worthy of our steel.

"However this singular affair may end, nothing can release us from the responsibility we have incurred in it. * * * If the conduct of the recent operations has had the effect of strengthening their fanaticism, by the appearance of persecution, without convincing them of our good faith and good intentions, and, worse still, has been the means of driving away 50,000 of our fellow-citizens from fields which their labors had reclaimed and cultivated, and round which their affections were clustered, we have something serious to answer for. Were we not guilty of a culpable oversight in confounding the insubordination of conscientious fanaticism with the insubordination of ribald license or ambition, and applying to the one same harsh treatment which the law intends for the latter alone? Was it right to send troops composed of the wildest and most rebellious men of the community, commanded by men like Harney and Johnston, to deal out fire and sword upon people whose faults ever were the result of honest religious convictions? Was it right to allow Colonel Johnston to address letters to Brigham Young, and through him to his people, couched in the tone of an implacable conqueror towards ruthless savages? Were the errors which mistaken zeal generates ever cured by such means as these? And have bayonets and cannon ever been used against the poorest and weakest sect that ever crouched behind a wall to pray or weep, without rendering their faith more intense, and investing the paltriest discomforts with the dignity of sacrifice? (N. Y. *Times*, June 17th, 1858).

Note 2. The "Treason" and "Rebellion" of the Latter Day Saints: Of course, technically speaking, the issuance of President Young's proclamation forbidding the army to enter Utah Territory, or if it had entered to lay down its arms and return by the route it had come; and following this by the overt acts of burning the ranges, running off the army stock and burning its supply trains—by which its very existence was put in

jeopardy—all this, I say, laid the people of Utah open to the charge of "treason" and "rebellion"; but the question to be considered by the reader is, *were they fairly open to such a charge before the army was started on its march to Utah?* The situation briefly stated was this: Here is a community against whom, it is true, are alleged many offenses—but the charges are made by very questionable characters—and none of the charges previous to the appearance of the army upon the scene by any stretch of interpretation could have been made to reach the bad eminence of "treason" or "rebellion"; and, moreover, the truth of these charges was stoutly denied by the Saints, and an investigation demanded by them. Then without investigation and without official notification of its intention—much less explanation of its purpose—the administration sends an army to Utah, which by popular rumor, by declaration of the press of the country, as well as by the braggadocio of the teamsters and camp-followers, the purpose of the army for Utah is declared to be to make a war of conquest upon the Saints, to whip them into submission, to crush out a "rebellion" which, up to that time, really had no existence. The Church leaders, instructed by sad experience, by these threatening portents were made apprehensive of the loss of their liberties, of the destruction of their homes, of the sacking of their towns and settlements, of the violation of the chastity of their women—of their community existence. Fearful of these direful calamities, Governor Young declared the approaching army a mob and proposed treating it as such; his people to a man sustained his position, and the army was so regarded and so treated. Then the Saints are proclaimed "traitors" and "rebels." Be it so. But the truth known, their "rebellion" and "treason" shall be to them titles of honor, since they were acquired not in seeking the overthrow of the federal government, nor to establish anarchy, but—from their view point—to preserve their liberties, to perpetuate the American principle of home rule, to defend the purity of their homes, to maintain religious freedom, and to establish for themselves and their posterity the right of community existence.

In this connection it should also be said, that while the orders issued to captains in the field directing them when raiding the stock herds or burning trains of the Expedition "*to take no life,*" except in self-defense, may not be regarded as eliminating the element of actual war from the resistance to the advance of the army into Salt Lake Valley; nor, strictly speaking, does it eliminate the element of "treason"—since treason is declared by the Constitution itself to consist in levying war against the United States, or in adhering to their enemies or giving them aid or

comfort; nor can the "shed-no-blood" clause argue that bloodshed is necessary to rebellion or treason; but all this does indicate that there was an absence of desire to shed the blood of their fellowmen, that they would, if they could, avoid coming to blows with the general government. The order, doubtless, grew out of that generally accepted idea that the taking of human life is the deed which always characterizes the beginning of civil warfare. As the New York *Tribune* said at the time: "In point of law, the shedding or not shedding of blood might make no difference. In point of sentiment and feeling, and of action stimulated by sentiment and feeling, it makes a great deal. Hence, in these cases, it is always a great point to throw the responsibility of the first bloodshed on the opposite party. Brigham Young has sense enough to know that, great as is the existing antipathy against him and his people, a conflict commenced by his orders, in which the blood of United States soldiers should flow, would greatly aggravate it. On the other hand, it may be found that extreme proceedings against Major Taylor, [a Utah militia officer captured by U. S. troops and at the time held a prisoner], who, it seems, is charged with high treason, as having been one of the party concerned in stopping and burning the provision wagons, will produce a state of feeling in the Mormons which, perhaps, in the present position of the troops, might as well not be precipitated." (N. Y. *Tribune* in Mill. Star., Vol. XX, pp. 108).

CHAPTER XCV

The Peace Commissioners for Utah—President Buchanan's Proclamation of Pardon—Passage of the Army Through Salt Lake City—Return of the People to Their Homes

The Commissioners left Fort Levenworth for Salt Lake City, on the 25th of April. At St. Louis they had selected five ambulances and harness which were shipped to the point of their departure across the plains. Their party consisted of a sergeant and five dragoons, a wagon-master, five teamsters, and a guide. Each ambulance was drawn by four mules; they also had three saddle horses to relieve the monotony of riding in the ambulances. They had but little baggage and were able to carry sufficient forage for their teams from point to point. They found the ambulances so comfortable as sleeping apartments that they

did not carry tents. Such the outfit with which they made the entire journey to Salt Lake City.[1]

The Commissioners arrived at Camp Scott on the 29th of May, where they remained three days, learning all they could from that point of the recent happenings in Utah. And there was much for them to learn, for at the time of their departure from the Missouri frontiers nothing was known of the success of Col. Kane's mission. On the 7th of June they reached Salt Lake City, and were astonished at its extent, and at the fact that it was practically deserted, most of the inhabitants, with the Church leaders, having joined in the "move south," and had proceeded on their journey as far as Provo, where they were quartered either in the homes of their friends or in temporary board shanties. Word was sent to them of the arrival of the Commissioners and something concerning the nature of their mission and the desire they had for consultation with the leading men of the Church. Accordingly a large number of the Church leaders and their immediate friends returned to Salt Lake City, and arrangements were made for a meeting at the "Old Council House,"[2] at 9 a. m., on the 11th of June.

There was a large attendance of leading brethren at the council; Governor Cumming and the new Superintendent of Indian Affairs, Jacob Forney, were in attendance with the Commissioners. The visitors were seated by President Young on the dais of the court room hall, while himself and associate Church leaders occupied seats on the floor of the hall facing them. President Young, acting as the master of ceremonies, introduced the Commissioners to the assembly "who rose to their feet and received them respectfully."[3] During the meeting the gentlemen to both sides of the consultation kept their seats.[4]

That morning when on his way to the meeting President

1. Letter of the Commissioners to the Secretary of War, April 25th. House Ex. Doc. 35th Congress, 2d Sess., Vol. II, Pt. II, pp. 163-4.

2. The windows had been taken out of the Council House, as indeed they had been from most of the houses in Salt Lake City in the "Move" to preserve them. Those of the Council House were replaced before the beginning of the meeting on the 11th. (Hist. Brigham Young *Ms.*, entry June, 1858, p. 622.)

3. Original notes of Minutes of the meeting with the Commissioners, File of Documents, marked "Powell," etc., 1858, Historian's Office.

4. Minutes of the Council. Hist. Brigham Young, *Ms.*, June 11th, 1858, p. 630.

Young had met Porter Rockwell, who had just arrived as an express from Echo Canon, with the word that General Johnston "had given orders to his army to march on Monday"—14th of June[5]—for Salt Lake City. As soon therefore as the council meeting with the commissioners was organized, President Young announced his information to the Commissioners, who denied the likelihood of such an occurrence. They had before disclaimed that any control of the movements of the military expedition to Utah had been given to them; but before leaving Camp Scott arrangements had been made by them that the army would not move in its march to Salt Lake Valley until its commander should hear from them from Salt Lake City, a statement that was confirmed by Governor Cumming;[6] but, according to the *Atlantic Monthly* writer, the commissioners "urged General[7] Johnston not to delay the advance of the army one moment beyond the time when he should be ready and desire to march."[8] The likelihood of the former arrangement being the understanding receives support from the fact that when Brigham Young made the above announcement to the Commissioners, "Governor Powell assured Governor Young that it would cost Johnston his commission if he should move without authority from them."[9]

5. See original note of minutes of the meeting with Commissioners. Files of Documents, marked "Powell" for 1858, Historian's Office.

6. Hist. Brigham Young, *Ms.*, June 9th, 1858, p. 62.

7. Johnston during the winter had been made Brigadier General by nomination of the President and confirmation by the Senate, "Uniform discretion manifested in his command of the Utah Expedition," being the ground of the promotion.

8. "The Utah Expedition," *Atlantic Monthly*, April, 1858, p. 486.

9. Hist. Brigham Young, *Ms.*, entry 11th June, 1858, p. 629. This incident has been grossly exaggerated and given dramatic form in Tullidge's Life of Brigham Young, and in his "History of Salt Lake City"—in the former, Chapter XX; in the latter, Chapter XXIV.

As a matter of fact, and notwithstanding the incredulity of the Commissioners, Gen. Johnston had given such an order and acted upon it. It became the subject of a spirited correspondence between Governor Cumming and the General. On 15th of June Governor Cumming wrote General Johnston:

"On the 11th and 12th of June a conference was held between the President and leaders of the Church of Latter-day Saints and the Peace Commissioners. I was present at the conference by invitation, and heard a statement made by President Young to this effect: that he had evidence of your intention to advance the army on the 14th or 15th of this month, without awaiting for communications from the Commissioners or myself.

To this statement I gave a prompt and positive denial, alleging that General Johnston would not violate a pledge made by him to the Commissioners and to myself, on the 30th of May, at Camp Scott.

Commissioner Powell stated the purpose of their mission to be to use their best exertions in effecting an amicable adjustment of the "unfortunate difficulties" existing between the general government and Utah. Major McCulloch, in a few words, concurred in what his associate had said. President Young asked to see the Commissioners' letter of appointment. Powell replied that the request was a proper one and it would be presented, and read to the meeting, but they had neglected to bring it to the meeting with them.

President Young at some length reviewed the history of the settlement of Utah, the coming of, and treatment accorded to, United States officials. He considered also some of the allegations against the "Mormons" in the introductory part of President Buchanan's Proclamation of Pardon, "and acquitted himself and his people, argumentatively and conclusively—first rate,"

"Secretary Hartnett, who left Fort Bridger on Friday, the 11th, being the first day of the conference at Great Salt Lake City, arrived here on Sunday, the 13th instant, and, to my great surprise, informed me that you had requested him to inform the Commissioners and myself of your intention to take up the line of march for this city on the 15th of June.

"At the time when this communication was made to Secretary Hartnett the conference had only commenced, you could therefore not have received any communication from the Commissioners or myself. We should necessarily wait to know the result of the conference before communicating with you. I earnestly request that you will make such disclosures as may be made without detriment to the public service which may enable me to reconcile the apparent discrepancy between my statement and that recently communicated through Mr. Hartnett.

"I am aware that you will probably have received communications from the Commissioners announcing the termination of the conference previous to the day appointed for your departure from camp, but this does not affect the question. *I stated to President Young that you were pledged not to march until you had received communications from the Commissioners or myself, that you had told me that you would issue a proclamation setting forth your intentions.*"

To this Johnston answered on the 19th of June: "SIR: Your letter of the 15th instant was received to-day. At the conference with the Commissioners at your tent—it being understood that I could not commence the march from Fort Bridger before the arrival of the supplies, and that the preparation for the march, depending upon their arrival, could not probably be made before the 15th or 20th instant, and understanding from them that they believed before that time they would be able to ascertain the result of their mission—I did say, as represented by you, that *'I would delay the march of the troops until I heard from them;'* but by no means did I intend to give to what I said the binding force of a pledge, should it be in confliction with a good military reason for pursuing a different course, nor did I suppose the Commissioners and yourself so understood it. As I used the language asserted by you to President Young, the distrust, if any is incited, should rest upon me; and I now disclaim any intention of misleading anyone. The instructions of the President to the Commissioners were positive that the army should occupy the Territory of Utah, and my orders do not allow the discretion of making delay, unless reasons should be offered for so doing which should appear to me sufficiently cogent." (The correspondence will be found in full in House Ex. Doc. 35th Congress, 2d Sess., Vol. II, Pt. 11, pp. 114 and 116).

says the chronicle.[10] At times his criticism of the Administration was severe; Governor Cumming began interrupting. Commissioner Powell said in an undertone, that he did not want Mr. Young interrupted. Major McCulloch interrupted to say that "it was not agreeable to hear government spoken against." President Young answered: "Do not mistake me, talking against men (corrupt men) who were in office, was not speaking against the government. Electing a man President did not make him a despot—a king. I'll thank you, Major, kindly, if you will correct me wherein I speak against the *government* of the United States."[11]

Commissioner Powell followed President Young. He declined to discuss questions of the past, raised by the previous speaker; it was the present and future with which he was concerned. He differed in his opinions from the previous speaker respecting the "wisdom and patriotism of James Buchanan; we believe him sincerely to be a good and patriotic man;" and again insisted that General Johnston's movements were erroneously reported to President Young.

"What do you want of us," sharply inquired President Young, which brought matters to an issue.

"We only want you to let government send in the troops, and that you submit to the laws;—let the army come in, go through and locate lands—protect the inhabitants."[12]

President Young asked Commissioner Powell if he justified Missouri in the treatment of the Latter-day Saints. The Commissioner did not know the facts. The same question was asked relative to the treatment received by the Saints in Illinois. Again the Commissioner pleaded ignorance of the facts—"unjustifiable ignorance, perhaps," he conceded.

Other speakers now took part, Erastus Snow and Gilbert Clements. They dealt with the accusations against the Latter-day

10.—Minutes of the Conference in Hist. of Brigham Young, *Ms.*, 11th of June, 1858, p. 630.

11. President Young had asked Gov. Cumming at one of his interruptions if he could be kept still, until the halter was put round his neck. To which that gentleman answered, "surely not!" "Neither would you, Major McCulloch," said President Young. Then came McCulloch's objection to having the government spoken against. Minutes of the meeting as above.

12. Original notes of the Minutes of the meeting, Documents of June, 1858.

Saints in President Buchanan's Proclamation of Pardon, and declared that the charges were untrue; the number of them ranged from forty to fifty.[13] President Young remarked that the brethren must have analyzed the Proclamation to find so many, and evidently sought to check this kind of criticism of President Buchanan by saying that "these gentlemen," referring to the Commissioners, "were the friends of President Buchanan, and believe him to be sincere, and he did not wish them [i. e. the brethren] to do or say anything that would not present him in as favorable a light as possible."[14]

Other speakers followed in the same general tenor as Clements and Snow. Finally President Young said:

"We want some security for our safety."

To which Powell answered:

"We have no more security for you than what is contained in the Proclamation."

Commissioner Powell had made it very clear that himself and associates were not sent to *investigate* the charges made against the Latter-day Saints, and practically repeated in President Buchanan's Proclamation of Pardon. The appointment they had received did not authorize inquiry and adjudication, but rather directed them to state clearly what the administration required of the people in order to the granting of a free pardon—recognition of, and submission to, the national authority; admission of the army into the territory without resistance; and a pledge of obedience to the laws and Constitution for the future. And on its part, the administration disclaimed any intent to interfere with the religion of the Latter-day Saints; that was recognized as being a matter between themselves and God. *"The*

13. "President Buchanan sent by them [i. e. the Commissioners] a "Proclamation, accusing us of treason and some fifty other crimes, all of which was false." Wildord Woodruff's journal, entry 11th June, 1858. "This Proclamation contains forty-two false charges into which he [Buchanan] has refused, up to this time, to make the least inquiry or investigation." Speech of Geo. A. Smith before the Commissioners. Hist. Brigham Young, *Ms.*, June, 1858, p. 642.

14. Hist. of Brigham Young, *Ms.*, entry 11th June, 1858, p. 635.

constitution and laws of the United States," it was averred, *"could take no notice of their creed, whether it be true or false."* All which was embodied in the Proclamation of the President, that here follows:

BY JAMES BUCHANAN

President of the United States of America

A PROCLAMATION

Whereas the Territory of Utah was settled by certain emigrants from the States and from foreign countries, who have for several years past, manifested a spirit of insubordination to the constitution and laws of the United States. The great mass of these settlers, acting under the influence of leaders to whom they seem to have surrendered their judgment, refuse to be controlled by any other authority. They have been often advised to obedience, and these friendly counsels have been answered with defiance. Officers of the federal government have been driven from the Territory for no offence but an effort to do their sworn duty. Others have been prevented from going there by threats of assassination. Judges have been violently interrupted in the performance of their functions, and the records of the courts have been seized and either destroyed or concealed. Many other acts of unlawful violence have been perpetrated, and the right to repeat them has been openly claimed by the leading inhabitants with at least the silent acquiescence of nearly all the others. Their hostility to the lawful government of the country has at length become so violent that no officer bearing a commission from the Chief Magistrate of the union can enter the Territory or remain there with safety; and all the officers recently appointed have been unable to go to Salt Lake or any where else in Utah beyond the immediate power of the Army. Indeed, such is believed to be the condition to which a strange system of terroism has brought the inhabitants of that region, that no one among them could express an opinion favorable to this government, or even proposes to obey its laws, without exposing his life and property to peril.

After carefully considering this state of affairs, and maturely weighing the obligation I was under to see the laws faithfully executed, it seemed to me right and proper that I should make such use of the military force at my disposal as might be neces-

sary to protect the federal officers in going into the Territory of Utah, and performing their duties after arriving there. I accordingly ordered a detachment of the army to march for the City of Salt Lake, or within reach of that place, and to act in case of need, as a *posse* for the enforcement of the laws. But, in the meantime, the hatred of that misguided people for the just and legal authority of the government had become so intense that they resolved to measure their military strength with that of the union. They have organized an armed force far from contemptible in point of numbers, and trained it, if not with skill, at least with great assiduity and perseverence. While the troops of the United States were on their march, a train of baggage wagons, which happened to be unprotected, was attacked and destroyed by a portion of the Mormon forces, and the provisions and stores with which the train was laden were wantonly burned. In short, their present attitude is one of decided and unreserved enmity to the United States and to all their loyal citizens. Their determination to oppose the authority of the government by military force has not only been expressed in words, but manifested in overt acts of the most unequivocal character.

Fellow-citizens of Utah, this is rebellion against the government to which you owe allegiance. It is levying war against the United States and involves you in the guilt of treason. Persistence in it will bring you to condign punishment, to ruin and to shame; for it is mere madness to suppose that, with your limited resource, you can successfully resist the force of this great and powerful nation.

If you have calculated upon the forbearance of the United States—if you have permitted yourselves to suppose that this government will fail to put forth its strength and bring you to submission—you have fallen into a grave mistake. You have settled upon territory which lies geographically in the heart of the Union. The land you live upon was purchased by the United States and paid for out of their treasury. The proprietary right and title to it is in them and not in you. Utah is bounded on every side by states and territories whose people are true to the Union. It is absurb to believe that they can or will permit you to erect in their very midst a government of your own, not only independent of the authority which they all acknowledge, but hostile to them and their interests.

Do not deceive yourselves, nor try to mislead others by propagating the idea that this is a crusade against your religion. The constitution and laws of this country can take no notice of your creed, whether it be true or false. That is a question between your God and yourselves, in which I disclaim all right to inter-

fere. If you obey the laws, keep the peace and respect the just rights of others, you will be perfectly secure, and may live on in your present faith, or change it for another, at your pleasure. Every intelligent man among you knows very well that this government has never directly or indirectly sought to molest you in your worship, to control you in your ecclesiastical affairs, or even to influence you in your religious opinions.

This rebellion is not merely a violation of your legal duty; it is without just cause, without reason, without excuse. You never made a complaint that was not listened to with patience. You never exhibited a real grievance that was not redressed as promptly as could be. The laws and regulations enacted for your government by Congress have been equal and just, and their enforcement was manifestly necessary for your own welfare and happiness. You have never asked their repeal. They are similar in every material respect to the laws which have been passed for the other Territories of the Union, and which everywhere else (with one partial exception) have been cheerfully obeyed. No people ever lived who were freer from unnecessary legal restraints than you. Human wisdom never devised a political system which bestowed more blessings or imposed lighter burdens than the government of the United States in its operation on the Territories.

And being anxious to save the effusion of blood, and to avoid the indiscriminate punishment of a whole people, for crimes of which it is not probable that all are equally guilty, I offer now a full and free pardon to all who will submit themselves to the authority of the federal government. If you refuse to accept it, let the consequences fall upon your own heads. But I conjure you to pause deliberately and reflect well, before you reject this tender of peace and good will.

Now, therefore, I, James Buchanan, President of the United States, have thought proper to issue this, my *proclamation*, enjoining upon all public officers in the Territory of Utah, to be diligent and faithful, to the full extent of their power, in the execution of their laws; commanding all citizens of the United States in said Territory to aid and assist the officers in the performance of their duties; offering to the inhabitants of Utah; who shall submit to the laws, a free pardon for the seditions and treason heretofore by them committed; warning those who shall persist, after notice of this proclamation in the present rebellion against the United States, that they must expect no further lenity, but look to be rigorously dealt with according to their deserts; and declaring that the military forces now in Utah, and hereafter to be sent there, will not be withdrawn un-

til the inhabitants of that Territory shall manifest a proper sense of the duty which they owe to the government.

In testimony whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed to these presents.

Done at the City of Washington, the
sixth day of April, one thousand
eight hundred and fifty-eight, and
of the Independence of the United States.
the eighty-second
James Buchanan.

By the President:
Lewis Cass, Secretary of State.[15]

The evening session of the conference consisted of a series of private interviews between Presidents Young, Kimball, Wells, and Elder Geo. A. Smith, and the Commissioners. The question discussed was—

"Shall the army come in through the city, and pass through to their winter quarters without molesting or burning."

President Young held a private consultation, first with Commissioner Powell alone; then with Commissioner McCulloch alone; then with both together. This consultation lasted until very late.

While these private interviews were being held, the other brethren assembled engaged in conversation and singing.[16] Erastus Snow prayed.

The second day's conference convened at 10.15 A. M. This day the council chamber was crowded. The first speaker was Elder John Taylor, his speech in the minutes is described as "clear, calm, eloquent, and good." The Commissioners complimented him as he proceeded in his remarks, as they did Elder Geo. A. Smith, who followed him. The latter's speech is preserved *in extenso* in the Church annals *Ms.*—it has never been published; yet, better than any other document extant, it reflects the spirit in which the Proclamation of Pardon was considered and accepted by the Church leaders and the people. It was delivered for the most part in a humorous spirit, but at the

15. Messages and Papers of the Presidents, Vol. V, pp. 493-5.

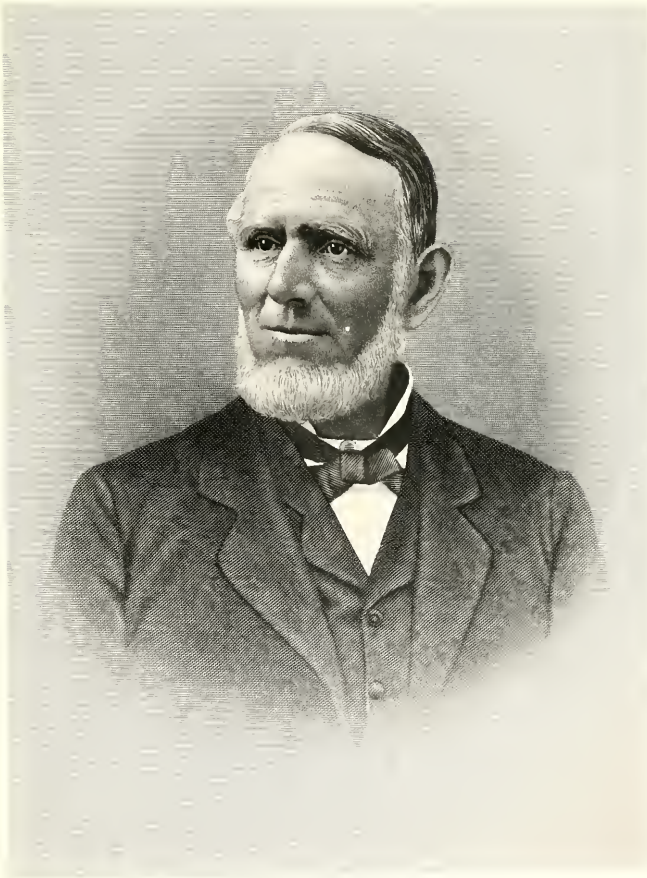
16. John Kay sang "Ocean Shells," and "To the Land of the West;" Erastus Snow, "White Canoe," and "Wives, Children and Friends;" W. C. Dunbar sang, "Do What is Right," or as recorded in the Minutes, "God Will Protect Us in Doing What's Right." (Original notes of Minutes, Documents, File of 1858.)

ABRAHAM O SMOOT

Second mayor of Salt Lake City, whose service in that capacity extended continuously from 1856 to 1866; and who therefore was the mayor during the period of the current chapters of this history.

"Untrained so far as scholastic culture went, he possessed gifts that made him equal to all emergencies, and as colonizer, financier, civic offier and legislator, as well as missionary, bishop and stake president, he made his mark and wrote success upon all his varied undertakings. He ranked with the best and strongest men of the community in ability, in wisdom, and in force of character. He frequently sat in council with the general authorities of the church, or was consulted by them, when matters of moment were considered affecting the welfare of the community."

(O. F. Whitney in History of Utah, Vol. IV., P. 98)



A. D. Smith

vital parts of the issues involved was based on sound judgment and the facts. Excerpts on such points follow:

"Our present position is, in many respects, a critical one. We desire, life, liberty and the pursuit of happiness.' We claim 'the right to regulate our own institutions, in our own way, subject to the Constitution of the United States.' These constitutional principles and privileges, are dear to us above all things else. We can cheerfully lay our bones in the dust when our days are numbered; but we can *never surrender our constitutional rights.* We can see our wives and children turned out of doors and driven from their homes over and over again, but we can *never disgrace the blood of our ancestors, by submitting tamely to be ruled by bayonets.*

"*We are Americans!* Citizens of this great Republic! Our fathers bled for its liberties, which they have bequeathed to us, as a priceless treasure; and no tyrant shall ever wrest them from us.

"When the President of the United States refused to listen to our petitions, treating them with silent contempt, and answered our applications for an investigating committee by marching his legions into this Territory, when he arrayed his bayonets to sustain the acts of corrupt officials, who had used their official influence to bring destruction upon us, I was ready to throw my * * * body between my children and their bayonets. * * * Mr. Buchanan sends us highminded and honorable gentlemen; they come the bearers of an Executive Proclamation, which I have carefully looked at in various ways. My first impression was, that the President was determined to exasperate the citizens of this Territory, by official slanders, charging them with a list of horrible crimes, that would incite them to a rebellion which could never have been produced by an other cause.

"This Proclamation contains *forty-two false charges,* into which he has refused, up to this time, to make the least inquiry or investigation. When these charges were first made against us, by anonymous correspondents of the press, and fugitive officials, we denied them, and furnished Mr. Buchanan with sufficient testimony to satisfy any unprejudiced mind, they were false; we called for an investigation and however prejudiced he might have been, the testimony we furnished, must have satisfied him at least that there were two sides to the question. But our repeated demands for investigation were treated with silent contempt, the mails stopped and the army sent; and all the information we received from the government was through stray newspapers which came in by private conveyance, informing us

that the Mormons were to be taught by the bayonet that the 'Christian religion was the law of the land,' or be exterminated. Spurred on by all the prejudice combined speculators, disgraced officials, lying editors, scurrilons, degraded letter writers, and hypocritical priests, could get up, the best appointed army ever concentrated by the United States since it was a government, was on its way to execute the repeated threats of death and extermination to the Mormons, when Gov. Young, by the voice of a whole people, impelled by the first law of nature, self preservation, and in the discharge of his Constitutional duties, said to the advancing army, 'Stop!' *and they did stop.*

"The commissioning of high minded gentlemen authorized to enquire into the state of affairs here and ascertain the facts, was what we had asked for. We expected them to come prepared to make the necessary investigations, and report the truth, which would set us right before the country. But, gentlemen, you tell us you came not to enquire, that it was not your intention to investigate, indeed that you have *no power* to make inquiries. *Then, what are you authorized to do?* Why, to say to the citizens of the Territory of Utah that the President will not use the national bayonets to interfere with their religion,—that he will not deprive them of life, liberty and the pursuit of happiness,'—that he does not claim such a right, and does not intend [to claim] it. This, Gentlemen, as I understand it, is the substance of the Message which you have brought us. Am I not right?

"This being the case, how does it stand? Simply this way: I have left my homes with my family, kindred and friends, that were not murdered, some five different times. Willingly? Yes! because I was obliged to or fight, and I am afraid to fight. (laughter).

"I am a man of peace, and not of war. *I accept the pardon.* I may have some *serious objections* to the form in which it is couched, and to the forty-two false accusations therein. But friends, should we throw ourselves in the attitude of defence against the advancing columns of the army, it brings on hostilities and bloodshed immediately. Let us drop upon this army and crush it in pieces, and it will not end there. One hundred thousand men would probably come here to exterminate us, and to wipe out the administration's disgrace, and even all this might be a matter of moonshine. I was in favor of stopping the army last fall, we gained by that means a winter's quiet. You know a sick patient would pay a large sum of money to physicians to lengthen out a miserable existence, even for a little while. And again our religion forbids the shedding of blood, and inspires dread of the consequences; and above all things

the shedding of innocent blood. We are informed, upon reliable authority, that there are many in that army that do not thirst for our blood,—a portion of the soldiers do not want to kill us, and some of the officers do not desire our destruction; so that in coming in contact with those soldiers we would be compelled to put to death those who do not want to kill us, and in this way we might be brought into a position to shed innocent blood, though in justifiable self-defense. Had the administration sent volunteers, who in their hearts desired to murder us, and who enlisted expressly for that purpose, it would have been far different. Should we be compelled to kill them, we would kill those only, who in their hearts had desired to shed our blood, and voluntarily walked twelve hundred miles to accomplish it."

Referring to Governor Cumming and the course he had taken in finally coming to Salt Lake City without troops, Elder Smith said:

"I held him in utter horror and destation, surrounded as I understood him to be by two thousand five hundred bayonets, and all the other appliances of a formidable army, prepared to come into the midst of our citizens, saying, 'd——n you, submit to my will or I will pierce your vitals.' These sentiments and feelings I had in my breast towards Gov. Cumming; and would have carried them with me to my grave, had he not at length broke out from among this forest of arms, and thrown himself into the midst of the settlements, unescorted and alone, as a citizen Governor, who said he was not an enemy, and had not come to trample upon the rights of American citizens. He showed himself brave, generous and noble by this act. He declared he did not wish to govern a people who did not want him; but was ready to fulfil the duties of his office, if desired, and I began to respect him. There is no man, who feels a greater horror and destation, than I do of a civil officer, who will not go beyond the reach of a bayonet to perform his duty; he is not a man, but a brute, who would undertake to govern freemen on such principles. I see in Gov. Cumming a manly, free, generous spirit. He says, 'I come not to govern you as a military despot; but as a fellow citizen.' This is right.

"What shall we do next? Shall we go out here into the mountains, and raise a mill pond,[16½] that will compel us to shed blood? Shall we be found in this position? Or shall we with all its horns

16½. The speaker has reference here to the plan that was made in Echo Canon to flood part of the canon to make it impassable.

and heels swallow the difficulty, and say, Gentlemen, walk in and fulfil your pledges, we have confidence in you. Should the pledges be violated, what better off would they be, then where they are? This is the best policy we can adopt; if they will do as they should do, and let us alone, they can pass along in safety. * * * But, Gentlemen, if Mr. Buchanan, actually means, as he says, that the citizens of Utah should have the same privileges as other citizens of the United States, all right; but if I cock my revolver and point it desperately at your head, and say, I mean peace; my conduct looks rather suspicious; and while Mr. Buchanan points at us his artillery, Minnie rifles, and bayonets, his promise of peace looks suspicious. With draw your armies, and that act would cry louder for peace than a thousand proclamations and promises. It is hard for me to believe that peace is intended while you point your canon at our houses; and while they remain there I have good ground to suspect treachery and foul play. I lack confidence in your words unless your actions correspond.

"From my known disposition to avoid *personal danger*, (laughter) my military friends on my left, will be but little influenced by the proposals I wish to submit. I propose to say to the army, walk in gentlemen, select your camp grounds, and fulfil your orders. If we take this course, in what light will the nations view our position? The result will be that the civilized world will say, the citizens of Utah are disposed for peace, their desires are not to come into collision with the parent government, if they can honorably avoid it; and as to the long list of charges that have been enumerated against us by Mr. Buchanan in his Proclamation, the world will say,—except a few party friends,—Mr. Buchanan don't believe them true, or he would not have pardoned them all indiscriminately; or else he does not feel able to punish them; *but his mistaken policy dictated that charges grave and serious should be enumerated in his Proclamtion to ease him down from his awkward position without bursting.* Instead of this measure disgracing us in the eyes of intelligent men, it will lift us higher in the scale of humanity. *I say then let us not reject these overtures.*

Elder Smith concluded his remarks in a paragraph through which runs a fine strain of irony:

"As I said before, I have full confidence that Mr. Buchanan will not violate the pledges which he has now made to us—*unless he fully believes that it is for his own interest so to do; and* in

consequence of the *'peculiar'* condition of the Treasury, I believe that his *interests* will not prompt him to do so, during his administration."[17]

Following this speech there were remarks by James Ferguson, and Gilbert Clements, after which President Young closed the meeting in a speech which the original notes of the minutes characterize as "the finest effort of his life."[18] Wilford Woodruff says that "he spoke in the power of God; those Commissioners heard the voice and roar of the Lion."[19] Unfortunately the speech in full is not extant. One important passage is preserved in the minutes of the conference, bearing upon the settlement of matters by the conference:

"As to the gentlemen Commissioners, they have no power to investigate the past, but (are) to inquire if we will submit to the constitution and laws of the United States. We always have, and always expect to." I have no character—no pride to gratify—no vanity to please. If a man comes from the moon and says he will pardon me for kicking him in the moon yesterday, I don't care about it, I'll accept of his pardon, it don't affect me one way or the other."[20]

In concluding the conference, President Young called upon William C. Dunbar to sing "Zion"; or, as stated in the original notes of the minutes of the conference, "O, Ye Mountains high,"[21] etc.

17. The speech complete will be found in Hist. of Brigham Young, *Ms.*, entry for June 12th, 1858, pp. 639-653.

18. Original notes of minutes, Filed Documents, June, 1858.

19. Woodruff's Journal, *Ms.*, entry for June 12th, 1858.

20. Minutes of Conference with Commissioners, in Hist. Brigham Young, *Ms.*, June 12th, 1858, pp. 653-4. Later at Provo, in remarks at a public meeting, on the same subject, President Young said: "We have no shirt collar dignity to sustain, for we have no character [i. e. reputation] only such as our friends and enemies give us: it is only a shadow and we are willing that they should have the shadow, and make the name of our President [Buchanan] honorable if we can." Discourse at Provo, June 27th, 1858, *Deseret News*, Vol. VIII, p. 86.

21. See original notes of minutes, p. 8, Church Documents, File of 1858. "Zion" is a thrillingly heroic, Mormon song, written in the spirit of the times by Elder Charles W. Penrose, a young, active missionary in England, who had not then been in Utah or America, but is now (1913) second Counselor in the First Presidency of the Church. Two of the stanzas, and one of the refrains, whence the song gets its name, "Zion," follows:

At five p. m. Commissioner Powell addressed a public meeting in the Council House on the General Situation in Utah, and the results of the Peace conference. No formal action seems to have been taken during the conference on accepting President Buchanan's Proclamation of pardon, but it appears to have been the general understanding that it was accepted; and upon that understanding Messrs. Powell and McCulloch, on the very evening the conference closed—June 12th—hasten to write the Secretary of War, saying:

"We have settled the unfortunate difficulties existing between the government of the United States and the people of Utah. * * * They will cheerfully yield obedience to the constitution and laws of the United States. They [the Mormons] consent that the civil officers shall enter upon the discharge of their respective duties. * * * No resistance will be made to the officers, civil or military of the United States, in the exercise of their various functions in the Territory of Utah."[22]

This message was sent by special express to Camp Scott, thence to be forwarded to the east with all speed. On the 26th of June a more extended report was made to the War Department, giving in some detail the proceedings of the Peace Conference

"In thy mountain retreat, God will strengthen thy feet;
On the necks of thy foes thou shalt tread;
And their silver and gold, as the Prophets foretold,
Shall be brought to adorn thy fair head.
* * * *

"Here our voices we'll raise, and we'll sing to thy praise,
Sacred home of the Prophets of God;
Thy deliv'rance is nigh, thy oppressors shall die,
And the Gentiles shall bow 'neath thy rod.
* * * *

"O Zion! dear Zion! home of the free;
In thy temples we'll bend, all thy rights
We'll defend
And our home shall be ever with thee."

Some months following the Peace Conference, Governor Cumming told President Young that Commissioner Powell had said that he would "never forget the name of Dunbar, as Gov. Young had called upon him to sing at the end of the Peace Conference—*'He sang a comic song.'* Powell thought it was such a ludicrous movement, it almost looked as though he (Young) regarded the conference as a farce." (Hist. Brigham Young, *Ms.*, entry for Nov. 12th, 1858, pp. 1082-3). Either Commissioner Powell had a strange sense of humor, or else he had in mind some other song rendered during the conference meetings, of which there were quite a number.

22. Letter of Commissioners to Secretary of War. House Ex. Doc. 35th Cong., 2d Sess., Vol. II, Pt. II, pp. 167-8.

and quite fairly representing the contentions of the Church leaders, in which they are represented as saying—

"They stated that they were attached to the Constitution and government of the United States; they spoke harshly of many of the officials who had held office in the Territory: they spoke of the wrongs and injuries heretofore done them; they said they desired to live in peace under the Constitution of the United States. They denied that they had ever driven any official from Utah, or prevented any civil officers entering the Territory; they admitted that they burnt the army trains, and drove off the cattle from the army last fall, *and for that act they accepted the President's pardon. All the charges that had been made against them except the one last named, they denied.*"[23]

On the 3rd of July the Commissioners addressed a supplemental report to the Hon. Secretary of War, being a statement of their procedure up to that date—the eve of their departure for the east. Later, namely August the 24, they filed with the Secretary of War, at Washington, the official minutes of the Peace Conference, signed by Brigham Young.[24] These minutes are of such importance that they are given here in full with the following explanatory note by the Commissioners:

23. House Ex. Doc. 35th Cong., 2d Sess., Vol. II, Pt. II, pp. 168-172.

24. Albert Carrington took the minutes of the Peace Conference, and J. V. Long and Leo Hawkins are named as stenographers, and reported the speeches. But with the exception of the speech of Geo. A. Smith our Church annals do not show that any of these speeches were transcribed from the short hand notes. President Young, it appears, promised the Commissioners copies of the minutes and of their speeches; but for some reason these were not furnished the Commissioners until upon the very eve of their departure. The first draft of the minutes, with their remarks, sent to the Commissioners were very unsatisfactory. Powell would not even attempt to correct them, saying that the report put language into his mouth he never used, and omitted many of his most important remarks. He refused to correct such a document; but said if a correct report of his speeches were sent to him, also the questions he answered, and the speeches of the Mormons to which he replied were sent in accordance with the promise of Brigham Young, he would correct the report and return it to them." (See correspondence to the N. Y. *Herald*, letter dated at Salt Lake City, 2d July, 1858. Hist. Brigham Young, *Ms.*, 31st July, 1858, pp. 841-2). Several consultations were had between Elder Carrington and the Commissioners, the latter showing vexation in the matter, and great anxiety lest "the reports of the conference would be published without the revision of their speeches. Carrington informed them that he did not do things in that style, and assured them that we would not publish any thing that was said on that occasion, without the concurrence of the speakers." (See History of Brigham Young, *Ms.*, entry for July 3d, 1858, pp. 761-2, also pp. 759, 760). Finally Carrington took the Commissioners to President Young and the matter of the minutes was settled to their satisfaction. President Young signing the minutes of the conference agreed upon, which were afterwards filed as official documents in the War Department at Washington, as stated in the text.

Washington, D. C.,
August 24, 1858.

Dear Sir: We have enclosed herewith a copy of a paper containing a concise statement of what was said in the conference held in Great Salt Lake City on the 11th and 12th of June last, which is certified by Ex-Governor Brigham Young, as correct.

We have the honor to be, very respectfully, your obedient servants

L. W. Powell,
Ben McCulloch,
Commissioners to Utah."

Minutes of Conference between Peace Commissioners L. W. Powell and Ben McCulloch and Brigham Young and other Mormon Church leaders:—Official.

In the conference held in Great Salt Lake City, on the 11th and 12th of June, 1858, L. W. Powell and Ben McCulloch, commissioners to Utah, and ex-Governor Brigham Young and others, touching difficulties between the United States government and the people of the Territory of Utah, Governor Powell in behalf of the Commissioners, said in substance, as follows:

He stated the object of the mission, and distinctly made known the views and intentions of the President concerning the people of Utah. He stated that the Commissioners had no power to make any treaty or compact with them. The object of the mission was to make known to the people of Utah the policy the President intended to pursue toward them, and to induce them to submit quietly and peaceably to the authority of the United States.

He stated that it was the determination of the President to see that the authority of the United States be maintained in Utah, and that the Constitution and laws of the nation should be enforced and executed in this Territory; that the President would send the army of the United States to the valley of the Great Salt Lake, in such numbers, at such times, and to such places in the valley or other parts of the Territory, as he might think the public interest demanded, and retain it there as long as he should think the interest of the United States required him to do so.

That such military posts would be established in the Territory of Utah, and in the valley of Great Salt Lake as the Secretary of War should think necessary to protect the emigration to and from the Pacific, prevent Indian depredations and to act as a *posse comitatus* to enforce the execution of civil process should it be necessary. He said that the object of the President in send-

ing a portion of the army to Utah, was to enforce the execution of the laws, and protect the civil officers of the government in the exercise of the duties of their offices, that in the event the inhabitants of the Territory quietly and peaceably submitted to the execution of the laws of the United States, and would peaceably receive the officers of the government appointed for Utah, and permit them without resistance to exercise the various functions pertaining to their respective offices, there would be no necessity for the army to be used to enforce obedience to the civil authority. If they should refuse to receive in a peaceable manner the officers of the government, or should in any way resist the execution of the laws of the United States within the Territory, the President would employ if necessary the entire military power of the nation to enforce unconditional submission and obedience to the Constitution and laws of the United States.

If the civil officers of the Territory were peaceably received and no resistance made to them in the dicharge of their official duties, the army then in the Territory, or such portion of it as might hereafter be sent there, would only be used to protect emigrants and inhabitants from Indian depredations.

We stated that it was not the intention of the President, in sending a portion of the army to the Territory to deprive the people of Utah of any of their constitutional rights, but to see that the authority of the United States was respected, the civil officers protected and obedience yielded to the Constitution and laws, as enjoined by the President in his proclamation; should they quietly and peaceably submit to the authority and laws of this country, the army would be used as promptly to protect them in all their constitutional rights as it would be to compel obedience to the authority of the United States.

We called their attention to the proclamation of the President which had been distributed among them.

We stated that the President, in order to avoid the effusion of blood, and to cause them to return to their allegiance to our common country, had deputed the Commissioners to make known to them the designs and intentions of the government, and the policy that would be pursued towards the people of Utah, which we had now done. We stated that the President asked nothing of them but what it was their duty as good citizens to perform, and that we trusted our mission would result in the restoration of peace, quiet, and order in the Territory.

We further stated that the commissioners had no power to give an order to the army, but that we had conferred with General Johnston, and that his army would not march to

the valley of Great Salt Lake until he received information from us; that we did not know where General Johnston would make his permament posts when he arrived in the valley of Salt Lake. General Johnston, however, told us that it was not his intention to station his army in or very near one of their large cities; that such a location would be calculated to demoralize the army; that he wished to make his permanent posts where wood, water, and grass were abundant. Governor Young expressed a desire that the commissioners would investigate certain charges that had been made against the people of Utah, to wit: as to whether the Mormons had killed Lieutenant Gunnison's party and Colonel Babbit, and burned the records and library of the federal court, and the truth of the charges made by Judge Drummond and others. The Commissioners declined to go into the investigation desired for the reason that such an investigation was not within their instructions, and that it was impossible for them to do so if they desired it, for want of evidence and time.

Ex-Governor Young and others state that they were and had ever been attached to the Constitution and government of the United States, and desired to live in peace and quiet under the government; they denied all the charges that had been made against them, except the burning of the army trains and driving off the cattle from the army last fall; that they admitted and for that they accepted the President's pardon: they claimed that they were more ardently attached to the Constitution of the United States than others who made charges against them. Upon the President's views and intentions being made known as set forth herein, it was agreed that the officers, civil and military of the United States should peaceably and without resistance enter the Territory of Utah, and discharge, unmolested, all their official duties.

Great Salt Lake City, July 3, 1858.

"I have examined the foregoing statement of the substance of what was said in the conference held at Great Salt Lake City, Utah Territory, on the 11th and 12th of June, 1858, by Governor Powell and Ben McCulloch, Commissioners to Utah, and ex-Governor Young and others, touching the difficulties that existed between the United States government and the people of Utah; the statement in writing examined by me is contained in six pages, hereto attached, and is, in substance a correct synoptical

statement of what was said in said conference; the above is correct as far as I can recollect at present.

(Signed) BRIGHAM YOUNG.[25]

Referring back to the sequence of events at the close of the Peace Conference, the commissioners not only sent off their message to the War Department, under date of June 12th, as already stated, but by the same express they sent a similar message to General Johnston, with the statement that the houses, fields, and gardens of the people, particularly in and about Salt Lake City, were very insecure, and the animals of the army would cause great destruction if the greatest care should not be observed in the march, and in selecting camps. The people were also apprehensive that after the army had reached the valley it would not properly respect their persons and property. The Commissioners had given assurances that they would not be molested in these respects, but suggested to General Johnston that it would be well for him to issue a proclamation to the same effect, as it would greatly allay the anxiety of the people. In reply General Johnston congratulated the Commissioners upon the successful termination of their mission, and issued the suggested proclamation in which he said:

From General Johnston's Proclamation.

"I * * * assure those citizens of the Territory who, I learn, apprehend from the army ill treatment, that no person whatever will be in any wise interfered with or molested in his person or rights, or in the peaceful pursuit of his avocations; and, should protection be needed, that they will find the army (always faithful to the obligations of duty) as ready now to assist and protect them as it was to oppose them while it was believed they were resisting the laws of their government."

The General announced to the Commissioners his intention of leaving his encampment on Bear river on the 17th of June; his expectation of reaching Salt Lake City in five days; and closed

25. House Ex. Doc. 35th Cong., Vol. II, Pt. II, pp. 175-177. Very brief minutes of the Conference with the promise that "a full report of the sayings and doings at the conference will be furnished by the reporters as soon as they can transcribe their notes"—appears in the *Deseret News* of June 23d, 1858. It was this declaration of intention which made the Commissioners apprehensive of the reports of their speeches.

functions of his office. His intention in sending troops to this valley was not to despoil you of any rights, civil, political, or religious, but to see that the authority of the nation was respected, and the laws executed in this Territory."

On the side of the duties of the government to the people, Commissioner Powell said:

"I have told you what the government requires of the people of this Territory, and you have told me that you will comply with its requirements. I assure you now that it will sustain you in all your constitutional rights, will listen with patience and attention to the details of any grievances of which you may complain, and will protect you in all your rights guaranteed by the national Constitution, using its military power for that purpose, if necessary. Should it fail in these promises I will be the foremost to denounce it. I believe that I express the feelings of the President of the United States upon this subject. His desire is that you will submit quietly to the laws. He asks nothing more of you. He has acted in this matter according to the duties imposed on him by his official oath. But I trust that all is settled. I hope that seeds of contention will not germinate among the people of this Territory. War is a calamity which I ever would avert, but if we do ever come to war, I hope it will be to vindicate the honor of our national flag. I want to see our soldiers facing the enemies of the Republic, but American fellow citizens—never! If this day the nation should be so unfortunate as to become involved in war, and the government should call on the people to fly to arms to maintain our Republican Union and glory, *I hope there would be more than one Mormon Battalion to rally to battle for our common country.* (Cheers)."

The following patriotic sentiment would find warm echo in the hearts of the people, for it was in strict harmony with their own principles;

"There is a providence which has disentangled this country from many such difficulties [i. e. such as had arisen in the Utah-Federal misunderstanding]. *It is God who rules our destiny.* * * *

* * * A nation badly governed would have been incapable of such progress. Why, then, should there be any people, here or elsewhere, who should hesitate to acknowledge their loyalty to that government and its institutions? There may occasionally come a little difficulty, but I tell you that whether it

comes in Pennsylvania, South Carolina, or Utah, it will die out. I know there is patriotism enough in the nation if any part of the people refuse obedience to the laws, to enforce submission. But I believe there ought never to be occasion for the government to use force to compel its children to submit. It is a government whose right to existence is the love of the people, and if it ever ceases to deserve that love, *then farewell to the Constitution and the Union of the States.*"[28]

The march of the army through Salt Lake City was made on the 26th of June. General Johnston so managed his previous day's march as to enter the valley from Emigration Canon early in the morning, in order to be able to make the march to a point west of the Jordan river in one day, and thus avoid the necessity even for a single encampment within the city limits. The city was deserted, by the Latter-day Saints and their leaders, except for a few guards left to watch the passage of the army, and a number of "Gentile civilians" who chose to remain. The order of the march was as follows:

(1) Brevet Col. C. F. Smith's battalion, constituting the advance guard;
(2) Tenth infantry and Phelps' battery;
(3) Fifth infantry and Reno's battery;
(4) Co. Loring's battalion of mounted rifflemen;
(5) Volunteers;
(6) Colonel Cook's second dragoons constituting the rear guard;
Each command was followed by its train and a portion of the supply train;
The head quarters were with the advance.[29]

The commissioners rode with the General's staff. The bands played at intervals during the day's march; other than this and the necessary noise of the supply trains dragging their snail pace along South Temple street, the march was undemonstrative and noiseless; in fact so marked was the "stillness," that one writer supposed to be a correspondent with the Expedition said that it was so profound, "that during the intervals between the

28. *Deseret News*, July 14, 1858, where the speech is published in full.
29. See General Orders No. 30. House Ex. Doc. 35th Congress, 2d Sess., Vol. II, p. 119; and report of Gen. Johnston to army headquarters of the 28th of June from Camp "near Salt Lake City," *Id.*, p. 121.

passage of the columns, *the monotonous gurgle of City Creek struck on every ear.*"[30]

Col. Cooke at the head of the 2nd dragoons, constituting the rear guard of the Expedition, "passed through the City with his head uncovered, as a token of his respect for the Mormon Battalion,"[30½] and thereby further endeared himself to his old command.

General Johnston kept his promise as to the good order in which the march should be conducted through Salt Lake City, as also in camping beyond its limits:

"Not a field was encroached upon, not a house molested, not a person harmed or insulted, by troops that had been so harassed and vituperated by a people now entirely at their mercy. By their strict subordination they entitled themselves to the respect of the country as well as to the gratitude of the Mormons."[31]

To this word from within the camp, should be added the testimony of Brigham Young, given in Provo, the day following the march of the army through the city:

"What is the present situation of affairs? For us the clouds seem to be breaking. Probably many of you have already learned that General Johnston passed through Great Salt Lake City with his command under the strictest discipline. Not a house, fence, or side walk has been infringed upon by any of his command. Of course the camp-followers are not under his con-

30. *Atlantic Monthly*, April, 1858, p. 490. That writer also gives the following vivid description of the march through the city: "It was one of the most extraordinary scenes that has occurred in American history. All day long, from dawn till after sunset, the troops and trains poured through the city, the utter silence of the streets being broken only by the music of the military bands, the monotonous tramp of the regiments, and the rattle of the baggage-wagons. Early in the morning, the Mormon guard had forced all their fellow-religionists into the houses, and ordered them not to make their appearance during the day [an error this, the people long before had left the city as stated in the text]. The numerous flags, which had been flying from staffs on the public buildings during the previous week, were all struck. The only visible groups of spectators were on the corners near Brigham Young's residence, and consisted almost entirely of Gentile civilians.

30½. Hist. of Brigham Young, *Ms.*, entry for June 26th, 1858, pp. 735-6. Sometime later, when Col. Cooke and Captain Marcy made a formal call upon President Young at his office, Heber C. Kimball "blessed" Col. Cooke "for his kindness to the Battalion boys." *Id.*, entry for Aug. 10th, 1858, p. 923).

31. *Ibid*, p. 491.

trol; but so far as his command is concerned while passing through the city, *he has carried out his promises to the letter.*"[32]

During the Peace Conference, Cache Valley, about eighty miles north of Salt Lake City, was urged upon the attention of the Commissioners by the Church leaders as the most desirable place for the permanent location of the army; but it was rejected because considered too far removed from the centre of population, and Cedar Valley, thirty-six miles distant from Salt Lake City, and west of Utah Lake—from which it is separated by a ridge of mountain and some low hills on the north—was selected instead; and which in a few days the army reached and began the preparation of their permanent quarters.

With the marching of the army into its permanent quarters, removed some considerable distance from the settlements of the Saints, as per agreement, there remained no longer any reason why the people should not return to their homes, and accordingly the announcement was made on the 30th of June, at Provo, that—

"All who wish to return to their homes in Great Salt Lake City are at Liberty to do so."

President Brigham Young on that date, with an escort of thirty men from Provo, commanded by Captain Wm. Wall, led the return;[33] and the movement "back home" began along the

32. From a discourse delivered in Provo, June 27th, *Deseret News*, July 14th, 1858. There was some slight trespass upon fenced fields west of the Jordan, some crops destroyed, and fencing used, the property of Joseph Young, brother of Brigham Young, for which and for the damage done to the pasturage hitherto used by the people, compensation was claimed, but not allowed. Major Dickensen, and Captain Marcy, to whom the matter was referred, denying the responsibility of the army for the damage done (see Hist. Brigham Young, *Ms.*, July 14, 1858, p. 782, and August 19, p. 937). George A. Smith delares that there was a mile of post and pole fencing burned, and about one hundred tons of hay used by the army while encamped on the Jordan. (Letters to Stenhouse, Hist. of Brigham Young, *Ms.*, July 9th, 1858, p. 775).

33. History of Brigham Young, *Ms.*, entry for the 30th of June, 1858, pp. 758-9. Of course the "return home" movement had been a foregone conclusion for some time, if the agreement entered into with the Peace Commissioners on the 12th of June, was carried out. The usual representations made that either on the 4th or 5th of July (the dates are wrong, President Young's return was made as stated in the text—"The First Presidency and a few others left Provo at 6 P. M. of June 30, and arrived at their homes in Great Salt Lake City at 3 A. M. of July 1st. All who wish to return are at liberty to do so"—Editorial, *Deseret News*, July 14th, 1858, issued at Fillmore) after both Governor Cumming and the Commissioners

Historic Views and Reviews

Rare Americana

THACHER AUTOGRAPHS SOLD—UPSET PRICE FOR FINE SET OF SIGNERS OF THE DECLARATION NOT BID

The sale of the autograph collection of the late John Boyd Thacher of Albany, N. Y., critical scholar, bibliographer, and author, was made Oct. 30-31, 1913, at the Anderson Company's auction rooms. By order of Mrs. Thatcher the fine set of signers of the Declaration of Independence was offered as one lot at an upset price of $25,000, but as this amount was not bid, the set was withdrawn.

An important document signed by the Comte de Frontenac, Governor of New France, dated Montreal, Sept. 16, 1693, was bought by Dodd & Livingston for $700. It is a certificate of bravery given to the Sieur de Lespinay in rallying the French soldiers against the British and the Iroquois Indians in August, 1691, during "King William's War."

The same bidders obtained for $750 a folio broadside publication of the Declaration of Independence, printed by John Dunlap in Philadelphia during the evening of July 4, 1776. It was the first broadside publication of this document. Only about ten extant copies are known.

An interesting letter of John Adams, dated Quincy, Nov. 2, 1815, in which he says "the history of the United States never has been written and never can be written," went to Joseph F. Sabin for $41. Dodd & Livingston paid $30 for a short autograph document signed by Richard Bellingham, Governor of New England, and George D. Smith gave the same amount for a letter of Richard Coote, Earl of Bellomont, Colonial Governor of New York.

A document dated Plymouth, June 4, 1679, and signed by William Bradford, second son of Gov. William Bradford, and John Alden, the hero of the "Priscilla legend," went to Mr. Smith for $260. He also paid $140 for a deed of sale, Nov. 7, 1728, signed by William Bradford, the first printer in Philadelphia and New York, and $42.50 for a letter of the Comte de Charni, naval officer under Francis I.

Mr. Smith gave $55 for a letter of George Clarke, Governor of New York; $100 for two letters of Cadwalader Colden, dated respectively "Fort George, New York, June 6, 1762," and "Fort George, New York, March 3, 1765," and $43 for a document signed by Edward Hyde, Lord Cornbury, another Colonial Governor of this State.

G. P. Wetmore gave $85 for a letter of Jonathan Edwards, Gerhard & Co., $200 for a letter of Gov. Benjamin Fletcher of New York, and Dodd & Livingston $72.50 for a letter of Gov. Joseph Dudley of Massachusetts. The same firm paid $75 for a letter of Sir Charles Hardy, Governor of New York, and $90 for a letter of John Hancock.

The original deed for the purchase of Rensselaerswyck Manor from the Indians, in 1630, signed by Peter Minuit, first Director General of New Netherlands, was sold for $1,710, to George D. Smith. The document is in Dutch and written on vellum. It was Peter Minuit who purchased Manhattan Island from the Indians. The same bidder obtained for $220 an autograph letter of Pierre le Moyne, Sieur d'Iberville, founder of Louisiana who visited the mouth of the Mississippi in March, 1699, where he built Fort Biloxi, the first post. The letter is dated LaRochelle, Aug. 15, 1699, and in it he speaks of returning to America. For another letter of his Mr. Smith paid $110, and for a letter of Joseph, brother of d'Iberville, $86.

A document dated May 7, 1679, and signed by Louis Jolliet, the explorer, who was with Marquette, the first white man to reach the Mississippi River, went to Mr. Smith for $425. A patent of land, dated May 27, 1643, and signed by Willem Kieft, Governor of the New Netherlands, brought $195.

A deed of transfer, dated Quebec, Nov. 20, 1683, signed by Sieur de La Salle, was knocked down to Mr. Smith for $340, and

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Arthur Wentworth N. Eaton

AMERICANA

December, 1913

Alexander McNutt, The Colonizer

By Arthur Wentworth Hamilton Eaton, D.C.L., F.R.S.C.

I

In early annals of the province of Nova Scotia many notices are to be found of a remarkable and hitherto rather mysterious person known commonly as "Colonel" Alexander McNutt. It is a far cry from western Virginia to Nova Scotia, but in western Virginia local history also we are confronted with occasional statements concerning this man. McNutt was reared in Virginia, his parents, of the Scotch-Irish race, having probably brought him from Ireland to Pennsylvania at about the age of five years. Of the family from which he and his brothers sprang we have almost no knowledge, it was one of the many thrifty Scotch-Irish families that came out to Pennsylvania between 1728 and 1740, and scattering through the counties of Chester, Lancaster, Cumberland, and York, and multiplying rapidly there, at last spread over wider areas of Pennsylvania, and penetrated into more southern colonies, where wild, unbroken forests still remained. In the successive migrations from Ireland to Pennsylvania there were many families named McNutt, McNaught, McNitt, and McKnight, and one of these, the Christian name of whose head was possibly Alexander, after 1732, following in the wake of the pioneer John Lewis and his brawny sons, with sturdy courage travelled south into that wide Virginia region known as the County of Orange, west of the Blue Ridge, and there, like many others of his countrymen, cleared a farm and began life anew. In 1738 the county of

Augusta was organized from the county of Orange,[1] and from Waddell's "Annals of Augusta County" we learn that by this time in the great Shenandoah Valley county, the Scotch Irish had become very numerous, families existing there bearing the names, among others, of Alexander, Anderson, Bell, Breckenridge, Buchanan, Caldwell, Campbell, Craig, Crawford, Cunningham, Davison, Dickinson, Dunlap, Hays, Herison, Kerr, Lewis, McNutt, Patton, Stuart, and Thompson. Of these people in general, we know that no better stock has ever been transplanted to our shores, they were plain, frugal, hardy, intelligent farmers and artisans, full of courage, dominated by the Calvinistic faith, willing and able to endure hardships, and bound to produce men who should by and by come to places of high control in American life. Of the McNutt family in the beginning we know, as we have said, almost nothing. The eleventh governor of Mississippi, Alexander Gallatin McNutt, born in 1801 or 1802, is said to have been a great-grandson of its founder, and whatever the first name of the Virginia pioneer may have been, it is clear that the subject of the present sketch was one of his sons.[2]

The first notice of any kind we have of the man known as "Colonel" Alexander McNutt is in connection with the settlement of Staunton, the capital of Augusta county, Virginia, in 1750. In the laying out of that town, the historian Joseph A. Waddell informs us, "Alexander McNutt purchased for three pounds the lot of forty-eight poles adjoining and east of the present jail lot, where the Bell Tavern afterwards stood."[3] That the buyer of this lot was "Colonel" McNutt seems evident from the statement of Mr. Waddell that "while living in Nova Scotia in 1761 McNutt executed a power of attorney authorizing his brother John to sell and convey his real estate," in pursuance of which instrument, "John McNutt, on August 16, 1785, conveyed to Thomas Smith, in consideration of £110, lot No. 10 in Staun-

1. One historian that we have seen says that it was organized in 1745.

2. A volume called "Genealogies and Reminiscences," published in Chicago in 1897, attempts a genealogical sketch of the Virginia McNutt family, but a comparison of this sketch with facts we shall give as our paper proceeds will show the Chicago author's almost entire ignorance of the family.

3. "Annals of Augusta County, Virginia, from 1726 to 1871," by Joseph Addison Waddell, Second Edition, revised and enlarged, published by C. Russell Caldwell. Staunton, Va., 1902. p. 72.

ton, which was purchased by Alexander in 1750 for £3, as stated on page 72."[4]

The second notice we have of Alexander McNutt is in connection with an attempted raid, by order of Governor Dinwiddie of Virginia, on a remote village of Shawnee Indians on the Ohio river, in 1756. In this obscure expedition, which is commonly spoken of as the "Sandy Creek Expedition," as a young militia lieutenant, or probably captain, McNutt took part, our knowledge of this fact coming from established Virginia local tradition and from an evident casual mention of McNutt in a letter of Governor Dinwiddie, in which the latter, relating the preparations made for the expedition says: "One Capt. McMett[5] and some others proposed some men on a voluntary subscription." The chief command of this expedition had been given by the governor to a certain Major Andrew Lewis, probably one of the sons of the pioneer John Lewis, and tradition has it that during its progress McNutt kept a journal in which he commented unfavorably on his superior officer's judgment and skill. Sometime after the event he handed his journal to the governor, and when Major Lewis knew of the facts he was so angry that on next meeting McNutt in the street of Staunton, he attacked him and the two had a knock-down fight.[6] Whether this public quarrel between

4. Annals of Augusta County (1902), p. 230. It is said further, p. 231, that John McNutt, brother of Alexander, "settled on North River, Rockbridge." This is a mistake, in 1765 he settled, as a blacksmith, in Nova Scotia, and in Nova Scotia he thereafter lived until his death.

5. The spelling "McMett," in Dinwiddie's letter, may be a mistake of the printer. At any rate the reference seems to show that Dinwiddie had only a slight acquaintance with McNutt.

6. In Alexander Scott Withers' "Chronicles of Border Warfare," first published in Clarksburg, in northwestern Virginia, in 1831, describing the "Sandy Creek expedition" against the Shawnees, the author says: "In Captain Alexander's company, *John M'Nutt, afterwards governor of Nova Scotia,* was a subaltern. . . . A journal of this campaign was kept by Lieutenant M'Nutt, a gentleman of liberal education and fine mind. On his return to Williamsburg he presented it to *Governor Fauquier,* by whom it was deposited in the executive archives. In this journal Colonel Lewis was censured for not having proceeded directly to the Scioto towns. . . . This produced an altercation between Lewis and M'Nutt, which was terminated by a personal encounter." Captain Paul, Withers says, had proposed to cross the Ohio river, invade the towns on the Scioto, and burn them, or perish in the attempt. This proposal McNutt supported, but Lewis overruled. Withers' "Chronicles of Border Warfare" was in part based on some earlier newspaper sketches by Hugh Paul Taylor. It was edited and annotated by Reuben Gold Thwaites, and republished in Cincinnati in 1895. See for the account above, this new edition, pp. 81-86. Commenting on the Sandy Creek expedition, Mr. Joseph A. Waddell, the Virginia historian, says: "As much doubt remains in regard to many facts connected with this famous expedition as surrounds the wars between the

Lewis and McNutt occurred in 1756 or 1757 we do not know, but it is not impossible that it may have had something to do with McNutt's leaving Virginia and coming north to Massachusetts and New Hampshire. How soon after the quarrel he did come north we cannot tell, but in September, 1758, we find him, then probably aged about thirty, living among his Scotch-Irish countrymen in the town of Londonderry, New Hampshire, the earliest of whom had landed in Boston from Ireland in 1718. What his occupation in Londonderry was, or for what purpose, precisely, he had come north we have no facts to show, but on the 26th of September of the year given above, as one of a group of seventy-one "freeholders and inhabitants" of Londonderry, he signs a memorial of thanks to his Excellency Benning Wentworth, Esq., governor, for not permitting an increase of tavern licenses to be granted the town.[7]

How much time may have elapsed after this before McNutt's military ambition led him to apply to the Governor of Massachusetts for employment in the Massachusetts militia service we cannot tell, but in the Council records of this colony of the year 1759 we suddenly come on the following entry: "Advised and consented that a warrant be made out to the Treasurer to pay unto Captain Alexander McNutt and company the sum of eighty-

Greeks and Trojans. Various writers state that the expedition took place in 1757, and that the men were recalled when near the Ohio river, by order of Governor Fauquier, but the Dinwiddie papers show that it occurred early in 1756, and that the survivors returned home more than two years before Fauquier became Governor of Virginia. To this day, however, the number of men led out into the wilderness by Lewis is uncertain, and also how many companies there were and who commanded them." Mr. Waddell also says: "The person referred to by Governor Dinwiddie as 'one Captain McMett' was no doubt Alexander McNutt, a subaltern officer in Captain Alexander's company. He has been mentioned as the purchaser of a town lot in Staunton. It is stated that Lieutenant McNutt kept a journal of the campaign, which he presented to Governor Fauquier, when the latter came into office, and which was deposited in the executive archives at Williamsburg. In this journal the writer reflected upon the conduct of Major Lewis, which led to a personal affray between Lewis and McNutt in Staunton." If McNutt's journal ever existed nothing whatever is now known of its fate. See "Annals of Augusta County, Virginia," by Joseph Addison Waddell.

7. New Hampshire State Papers (Town Papers), Vol. 9. See index. The name here signed "Alexander McNutt" can reasonably be no other than that of the Virginia Captain, for no other person of the McNutt name can be found in or near Londonderry at this date. As we have elsewhere intimated, we have had no opportunity to examine Virginia local records, but it would seem incontestable that the Alexander McNutt of the Sandy Creek expedition and the town of Staunton was the Nova Scotia colonizer. If it were not for the notices of him in Virginia we should suppose that when he appeared first in New Hampshire he had newly arrived from Ireland. If he came from Virginia, as we suppose he did, we are under the necessity of believing that after he began to colonize Nova Scotia he induced his three brothers and his sister to remove from Virginia also.

one pounds, nineteen shillings and seven pence (to each person or order the sum respectively due), for their service at Pemaquid [Maine] from the 2nd day of October, 1759, to the 18th of October, 1760."[8] On a later page of the same volume of Records we find recorded a warrant "for payment to Alexander McNutt and company, the sum of four hundred and seventy-two pounds, sixteen shillings, and one penny (to each person or order the sum respectively due) for their service in the pay of the Province, to discharge the muster roll beginning the 28th day of April, 1760, and ending the 30th day of November following. To Captain Alexander McNutt the sum of nineteen pounds, three and twopence, for sending supplies to the men. Amounting on the whole to the sum of four hundred and ninety-one pounds, nineteen and threepence.[9] In one of the volumes of the unprinted Massachusetts Archives that record the military services of Massachusetts troops before the Revolution, under date of December 8, 1760, we find McNutt swearing to the accuracy of an account of £491. 19.3., "for payment of a party of thirty-two men belonging to a company of Provincials under his charge," who had enlisted April 28, 1760, for Fort Cumberland, Nova Scotia, and had served to November 30, 1760.[10] Accompanying this charge is a muster roll giving the names of the men and the amount of wages due each. Several of the company were from Windham, New Hampshire, one of the Windham men being Samuel Clyde, who later became a colonel and saw service in the Revolution on the American side.[11] Clyde's wages were £12.3.0., and it seems that he did not return from Nova Scotia with McNutt and the rest of the company, but remained, probably at Halifax. Curiously, in some miscellaneous unprinted "Suffolk Court Records," in Boston, we find it recorded that January 1, 1761, Clyde, then in Halifax, sued McNutt in Boston for a debt of £21.3.0., due him, and attached a chest of McNutt's. In the Inferior Court of Massachusetts, Clyde obtained a judgment against McNutt, and without legal protest McNutt paid the debt.[12] The Windham men in

8. Massachusetts Council Records, unprinted, Volume 14, p. 289.
9. Massachusetts Council Records, Vol. 14, p. 293.
10. Massachusetts Archives, Vol. 98, pp. 146, 221.
11. Morrison's History of Windham, New Hampshire, p. 60.
12. Suffolk SS. George the Third by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, etc. To the Sheriff of Our County of Suffolk, his under Sheriff or Deputy Greeting: We command you to

this company of McNutt's, the History of Windham says, all served at Fort Cumberland. In the Council Records of Massachusetts, under date of November 29, 1760, stands a warrant for the payment to Captain Alexander McNutt of sixteen pounds, sixteen shillings, to discharge his account for the passage of himself and twenty-seven men from Halifax, at two dollars each[13] In the Massachusetts Archives are also two undated bills of McNutt's, one for the sum of £1.12.6., for having enlisted five men and an ensign for the total reduction of Canada, and one for the sum of £10.10.8., for payment of a company of sixty men and a lieutenant, that he had raised for the reduction of Canada, "out of Colonel Osgood's regiment." The sixty-one names in the billeting roll accompanying this charge are plainly written, and many of them prove to be Scotch-Irish names, some of whom, from New Hampshire towns, we find among the first grantees and settlers in Truro, Nova Scotia, directed thither, as is well known, by McNutt.[14]

The last record of McNutt in the military archives of Massachusetts is dated December 6, 1760. At this date McNutt renders an account to the General Court for his expenses in making two journeys from Boston to Portsmouth, New Hampshire, in quest of deserters; for David Robinson's expenses in travelling to Bedford and Framingham for deserters; for payment to

attach the goods or estate of Alexander McNutt, gentleman, now residing in Boston in sd. county, to the value of thirty pounds, and for want thereof to take the body of the said Alexander (if he may be found in your precinct) and him safely keep, so that you have him before our Justices of Our Inferior Court of Common Pleas next to be holden at Boston within and for our said county of Suffolk on the first Tuesday of April next, then and there in our said court to answer unto Samuel Clyde of Hallifax in our Province of Nova Scotia, yeoman, in a plea of the case for that the defendant on the fourteenth day of January current, at Boston aforesaid being indebted to the plaintiff in the sum of twenty-one pounds and three shillings for that sum which the Defendant before that had received at two different times, viz., twelve pounds and three shillings at one time of Harrison Gray and the rest before that, and in consideration thereof the Defendant though requested has not paid them but neglects to pay it to the damage of the said Samuel Clyde as he saith, the sum of thirty pounds which shall then and there be made to appear, with other damages and have you there this writ with your doings therein.

"Witness, Eliakim Hutchinson, Esq., at Boston this 10 day of January, in the 1st year of our reign. Annoque Domini, 1761. Middlecott Cook, Clerk."

On the back of this warrant is endorsed: "Suffolk, January 16, 1761. Then and by virtue of this writ I attached a Chest of the Defendant and would have left him a Summons but the Defendant paid the plaintiff his demand. Benjamin Cudworth, Deputy Sheriff." Below is Clyde's receipt: "I acknowledge the above to be true. Witness my hand. SAMUEL CLYDE."

13. Massachusetts Council Records, Vol. 14, p. 291.

14. Massachusetts Archives, Vol. 98, pp. 146, 147.

James Cowan and Moses Blaisdell, "as per account;" for the payment of the passage of one of his soldiers to Halifax; and for the payment of a clerk who had made up his muster roll.[15]

In 1755, as the world knows, occurred that pitiful tragedy, the forcible expulsion of the French from Nova Scotia, and shortly afterwards, the Nova Scotia governor, Colonel Charles Lawrence, with the authority of the crown issued two proclamations[15½] offering the recently depopulated and hitherto unsettled lands in the fertile Acadian province freely to settlers of British stock. That these proclamations should have stirred the imagination of McNutt as they stirred the ambition of thousands of native New Englanders, who accepted their terms and transferred themselves and their belongings to Nova Scotia, is not at all strange, McNutt, with more than the usual ambition of energetic young manhood was looking for worlds to conquer, and the alluring possibility of making himself a great colonizer and peopling the fair province by the sea with families of his own race soon began to fire his restless brain. It was not until seven months after Lawrence's second proclamation, however, that he presented himself to the governor and council in Halifax as desiring to assist emigration to the province. In the meantime a good many agents representing considerable groups of New England people who had read the proclamations and were seriously contemplating removal to Nova Scotia, had arrived at Halifax and been received by the government. According to the careful memorial of the Committee of Council to the English Lords of Trade,[16] McNutt came first to Halifax in the month of August, 1759, and applied to Governor Lawrence for grants of land "for himself and sundry persons his associates," and his request was met by a written engagement of the Governor to have one township set apart for him at Port Roseway, in what is now the county of Shelburne, at the extreme southwestern end of Nova Scotia, and six townships in the district of Cohequid, in what is now Colchester County, on or near Cohequid Bay and along the Shubenacadie river, with leave to settle families in

15. Massachusetts Archives, Vol. 98, p. 222.

15½. The dates of the issuing of these proclamations were respectively, October 12, 1758, and January 11, 1759. See Eaton's History of King's County, Nova Scotia, p. 60.

16. This memorial is given as an appendix to the present paper.

thirty-five "rights" in the township of Granville, in Annapolis County. McNutt's visit at this time could not have lasted long, and it is doubtful whether he was again in Halifax until April, 1760,[16½] when he took, as we believe, the little company of thirty-two soldiers to the province to serve for a few months in the garrison at Fort Cumberland. At that time he produced, the Committee of Council say, a list of six hundred subscribers who had engaged with him to settle in Nova Scotia, among these, no doubt, the names of the men who soon after became grantees in the Nova Scotia township of Truro, in Colchester County. The first Truro grantees number by actual count, fathers and their young sons together, only eighty-two, and this substantiates the Committee of Council's statement that of McNutt's six hundred subscribers only fifty families came to Nova Scotia.

McNutt's first successful efforts at colonizing Nova Scotia were made among his friends in the Scotch-Irish colony at and near Londonderry, New Hampshire. On his movements as a militia captain, and the organizer of the New Hampshire company which settled Truro, Nova Scotia, in 1761, interesting sidelights are thrown by the Diary of Hon. Matthew Patten of Bedford, New Hampshire.[17] It has been questioned whether McNutt was really the organizer of this company, but certain entries in this Diary show plainly that he was. With the exception of the Truro colony and one other, the Essex County, Massachusetts, group of families that in 1762 settled Maugerville, on the St. John River, in what is now the province of New Brunswick,[18] in spite of McNutt's own ambitious claims that he had been instrumental in bringing to Nova Scotia virtually all the New England people who settled in the province, we have not

16½. A careful examination of the Council Books at Halifax shows that Nov. 3, 1760, is the earliest date on which McNutt is mentioned in these records. At this date it is said that McNutt petitions the Council, as the late Governor of the Province had promised him land at Cobequid, Shubenacadie, and Port Roseway on the Cape Sable shore, on condition that he would procure settlers, to give him all the help this body could.

17. "Diary of Matthew Patten of Bedford, N. H., from 1754 to 1799," published in 1903.

18. Archdeacon Raymond's History of the River St. John, chapters 13 and 16, and his first monograph, pp. 81-83. In his "St. John River," chapter 13 (p. 277), Dr. Raymond says: "Lieut.-Governor Belcher in 1763 complained to the Lords of Trade of McNutt's 'percipitate and unjustifiable' act in sending so large a body of settlers to the River St. John without previous notice or indeed any suspicion of such a measure on the part of the authorities of Nova Scotia."

the slightest reason to believe that any one of the other townships peopled by New Englanders in any measure owed its settlement to him. Even with the settlement of Onslow, the adjoining township to Truro, whose people came largely from towards the western part of Massachusetts, we find no evidence that McNutt had anything whatever to do.[19] At this period of his life, as indeed throughout his whole career, McNutt kept himself pretty closely identified with the Scotch-Irish race, to which he belonged, and as early as November, 1760, he tells the Nova Scotia Council that he has already sent a vessel to the North of Ireland to bring out settlers from there, and that he soon intends to go to Ireland himself.[20] In the beginning of 1761, even before his New Hampshire colony had sailed for Truro he did go to England, with a letter from Lieutenant-Governor Belcher recommending him as a proper agent to bring over settlers from Ireland. From that country, the October following, he brought to Halifax a company, which he himself represents as "near four hundred persons," but which Lieutenant Governor Belcher in the year that they came speaks of as "upwards of two hundred," and the Report of the Committee of the Council in 1766 gives as "about two hundred and fifty."[21] In November, 1762, he brought out from Ireland a smaller group, of about a hundred and fifty persons, which number in his memorial to the Lords of Trade, read March 23, 1763, he likewise characteristically exaggerates to "near four hundred."[22]

Returning soon to England McNutt remained abroad until the autumn of 1764, his occupation in the interval, he says, being "sending away French Protestants to America." What he really was doing or how he managed to live, is a mystery to us, but during the time the new scheme evidently formed in his mind of inducing Pennsylvania Scotch-Irishmen and perhaps others to remove to Nova Scotia, and in the autumn of 1764 he recrossed the ocean to Philadelphia. Like other "promoters" he naturally

19. See Eaton's "Settlement of Colchester County, Nova Scotia," in the Transactions of the Royal Society of Canada for 1912.

20. Archdeacon Raymond's first monograph, p. 64. It is not likely that he had really sent a vessel to Ireland at this early period of his colonization schemes.

21. Archdeacon Raymond's first monograph, p. 69, and the Report of the Committee of Council, in the appendix.

22. The Report of the Committee of Council gives the number as about a hundred and fifty.

went first with his project to conspicuous men, and Benjamin Franklin, who was then at home, was probably one of the first persons he approached. What his representations to Franklin and other Philadelphia gentlemen of influence were we can easily conjecture, for McNutt never minimized his own authority or presented his schemes in a less alluring light than the facts warranted. That in some way, in the course of his brief negotiations with Franklin, he became liable to the latter for money, we have evidence in letters from Franklin's business associate in Woodbridge, New Jersey. In a letter of November 23, 1764, Parker mentions "Colonel McNott," and in another of January 14, 1765, he says: "I was returned from Pennsylvania before your letter from the Capes came up, wherein you mention Mr. Nott's affair. I upon the notice you wrote about it, wrote to Dunlap and Mr. Nott—the latter of which informed the other that he had agreed to pay you, and that those orders were gone home; that however he, Mr. McNott, agreed to give you a bond for the money due, which if paid in England could be afterwards taken up, which bond he executed and sent to me, so I give Dunlap credit for it. This I hope will be agreeable to your instructions or intentions. The sum is £48.4.10., payable ye first of May next.[23] In the "Draft Scheme" of his autobiography Mr. Franklin has the item, "Grant of Land in Nova Scotia," but the autobiography is not carried far enough to give any mention of the obtaining of the grant. The Grant Books at Halifax, however, inform us that on the 31st of October, 1765, a grant of 100,000 acres was given at Peticodiac, to Alexander McNutt, Matthew Clarkson, Edward Duffield, Gerardus Clarkson, John Nagle, Benjamin Franklin, Anthony Wayne, John Hughes, John Cox, Jr., Isaac Caton, John Relfe, James Caton, William Smith, Hugh Neal, Thomas Barton, William Moore, Joseph Richardson, John Hall, William Craig, Jobina Jacobs, John Bayley, and Benjamin Jacobs. On the same date another grant of 100,000 acres on the River St. John, was given to almost the same group of men, Benjamin Franklin among them.

Accompanied by several prominent Philadelphians, no doubt

23. Proceedings of the Massachusetts Historical Society, 1902, Second Series Vol. 16, pp. 195, 196.

from the group whose names we have just given, in March, 1765, as both McNutt himself and the Committee of Council relate, McNutt arrived in Hailfax. In one of his wordy memorials he declares that he brought with him "a great number of families," but the Committee of Council in their categorical statement of McNutt's services to the Province mention no such company though they say that "another Association from Philadelphia, who had contracted with the Government to settle a Township at Sepody, sent a ship *about this time* with twenty-five families, agreeable to their contracts, seated them on their lands, furnished them with stock, materials for building and farming, and have supported with provision ever since, *in which Colonel McNutt had no kind of concern whatever.*" The only other emigrants that we know of from Pennsylvania to Nova Scotia were six families who arrived at Pictou in the *Hope,* from Philadelphia, June 10, 1765, to settle on the so-called "Philadelphia Grant." Of these a family of Harrises remained permanently in the province, as did also a family of Pattersons, but concerning the others we are not informed. It may or may not have been due to McNutt's influence that these families came.[24]

With regard to the gentlemen who accompanied McNutt from Philadelphia to Halifax, the Committee of Council further say: These gentlemen "informed the Government that Colonel McNutt had assured them that his Majesty's Instructions to the Governor of Nova Scotia, dated the 20th of May, 1763, directing the terms of settlement to be granted to the settlers he had introduced into this province from the Kingdom of Ireland, included them and all others whom he should introduce, and promised that they should have lands on those terms, which was not only deceiving those people, but also created many difficulties for the Government here, and those gentlemen declared that they would have no further concern with Colonel McNutt, and accordingly made their applications to Government without taking any notice of him."

We have here, no doubt, the exact facts concerning the emigration of Pennsylvanians to Nova Scotia in 1765, except that the Association sending the twenty-five families may possibly

24. Rev. Dr. Patterson's "History of Pictou, Nova Scotia," and Campbell's "The Scotsman in Canada," pp. 94-99.

have been formed owing in some measure to the interest aroused in Nova Scotia by the efforts of McNutt. As a matter of fact, probably not more than half a dozen, if so many, of the twenty-five families remained, for we have Mr. Franklin's authority for saying that most of the Pennsylvanians who came to the Province, "with great complaints against the severity and length of the winters," before long returned to the middle states.[25]

In this comparatively unimportant migration of Pennsylvanians to Nova Scotia in 1765, we reach the extremest limit of McNutt's success in colonizing Nova Scotia. His own claims to the Lords of Trade concerning the number of people he had brought to the Province widely transcend the facts, it is clear now that the various groups he had brought or induced to come, limit themselves to the New Hampshire colony that settled Truro, the two groups he himself led from Ireland in 1761 and 1762, respectively, the Essex County, Massachusetts, people he influenced to come to Maugerville in 1762, about fifty people who came from Ireland to join their old friends and neighbors in the province, in 1765,[26] and the very few permanent settlers who may have been influenced by him to come from Pennsylvania in 1765.

In 1911 an able Canadian historian, Ven. Archdeacon Raymond, LL. D., published in the Transactions of the Royal Society of Canada a remarkable monograph on "Colonel Alexander McNutt and the Pre-Loyalist Settlements of Nova Scotia."[27] In the archives at Ottawa Dr. Raymond found copies of a large number of papers relating to McNutt and his colonization schemes during the seven years from 1759 to 1766, and in his monograph he has given us the main facts of McNutt's tangled negotiations with the Nova Scotia Government and the Lords of Trade in England in the prosecution of his schemes during those years. At first the government showed him great favor, for settlers for the province were strongly desired, and McNutt made representations that seemed to promise a speedy occupation

25. "The Writings of Benjamin Franklin, Collected and Edited, with a Life and Introduction," by Albert Henry Smyth, New York, 1907, Vol. 5, p. 508.

26. See the statement of the Committee of Council in the Appendix.

27. In 1912, Archdeacon Raymond, having in the meantime discovered some of the facts that we have embodied in this paper, published in the "Transactions." Another shorter monograph on McNutt, which considerably modified the first.

of a great part of the unsettled Nova Scotia land. Very soon, however, the colonizer began to complain bitterly of obstruction to his plans, and until he finally retired from the field he pursued a course of loud recrimination against the government that we believe to have been largely unwarranted and to give evidence chiefly that he was possessed of an unbalanced mind. It is strongly our opinion that the Nova Scotia Committee of Council spoke truly when they finally declared with warmth that the obstruction to his plans on the part of the Government that Colonel McNutt so persistently complained of, was chiefly due to his own "intemperate zeal and exorbitant demands," and that the Government had been disposed to show him "the indulgence and kind treatment that any reasonable man could properly desire." Of the Government's willingness to give proper assistance in any reasonable effort to settle the province we need no further assurance than the fact that between the first of June and the last of October, 1765, to McNutt and his brothers and large groups of men whom the colonizer represented as intending to settle in the province and for whom he claimed to be acting, the governor and council granted the enormous sum of about a million and three-quarters acres of land. That McNutt's claims concerning the number of people who had empowered him to act for them in obtaining grants were greatly exaggerated, seems to us certain from the fact that before 1812 by far the greater part of these huge grants, because of the absence of settlers, by formal escheatment was once more restored to the crown[27½]

A remarkable feature of McNutt's character, indeed, was his tendency to make exaggerated claims. This is nowhere more conspicuous than in the declarations he makes to the Lords of Trade of service he had actually rendered in the matter of col-

27½. The appearance of McNutt's own name on a great many of the grants in question is explained by the Committee of Council, and we believe truthfully, to have been due to the Government's conscientious desire to do McNutt no injustice in its apportionment of lands. Not always satisfied with his conduct, and finally altogether distrusting the man, they yet recognized "his apparent zeal for settling the vacated lands" in the Province, and as they conceived that it might *in some measure primarily* be owing to him that various groups of men had applied for land, which persons if they should become settlers would prove a great acquisition to the young colony, thought it only "just and right" that his name should be included in grants to all "associations" with whom he appeared in any way to have been concerned.

onizing Nova Scotia. Before us lie four memorials, of the many which in the course of his efforts to colonize he formally presented to the Lords of Trade,[28] in which McNutt makes statements that are truly astounding. In 1760, he says, he procured about one thousand families, from New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, Pennsylvania, and Virginia, to settle in Nova Scotia. He has employed, he states, at great expense more than thirty agents, in ten different provinces to prosecute the colonization of Nova Scotia, and he has an agent at Halifax to attend to his business there. He has settled in the Province two thousand families, including a number of German families, and he has contracts for settlement with six thousand families more. In March, 1765, he took, he says, "a great number of families" from Pennsylvania to Nova Scotia, and he adds that the gentlemen who accompanied him had been appointed to represent "many thousand families who had engaged to settle in Nova Scotia." He is able and ready to introduce into the province any number of people from other American colonies, or Protestants from Germany and France. The expenses he has incurred in his vast undertakings have been enormous, and the damages he has sustained by the Nova Scotia Government's bad treatment of him have reached startling figures. The real facts of this strange man's services to the colonization of Nova Scotia, as we have shown, are not now difficult to make out, and many of these statements of his are so grossly at variance with facts that we hesitate to believe that a person who could so boldly make them can properly be regarded as sane. At the time when McNutt said he had settled a thousand families in Nova Scotia there were only about five hundred families in all the townships.[29] Not only from the plain statements of the Committee of Council but influenced by many other considerations we say without hesitation that with the removal of the greater part of the Massachusetts, as with the Connecticut and

28. These Memorials bearing the Expective dates of reception by the Lords of Trade of January 19, March 18, and March 23, 1763, and April 17, 1766, as well as the Report of the Committee of Council, read November 6, 1766 (See Appendix), in which McNutt's charges are indignantly refuted and his actual services to the Province categorically and with due acknowledgment set forth, were copied at Ottawa by Archdeacon Raymond, and have very generously been lent by him for use in preparing this paper.

29. Archdeacon Raymond's first monograph, p. 63.

Rhode Island, settlers to Nova Scotia, in 1760 and 1761, McNutt had not the slightest connection. That he was ever concerned or had any marked influence in sending to any part of America large numbers of German or French Protestants we do not believe.[30] That he had ever directed to Nova Scotia any German families at all we have seen no evidence of. His assertion that he had brought to Halifax in 1765 a great number of families from Pennsylvania we know to have been false. The plain truth about the man and his statements is without doubt told in the indignant memorial of the Committee of Council, in refutation of his exaggerated claims of service, and his fierce charges against the Government, presented to the Lords of Trade in August, 1766. "Upon the whole," says the memorial, "the Committee of His Majesty's Council are of the opinion the memorial of Colonel Alexander McNutt addressed to the Lords Commissioners for Trade and Plantations is almost and altogether false and scandalous, that the facts are misrepresented, and his complaints without just grounds." "That the obstruction Colonel McNutt complains of from the rulers in this province since the death of Governor Lawrence have proceeded from his own intemperate zeal and exorbitant demands." "That the great expense incurred by Colonel McNutt in pursuing his scheme of making settlements in this province cannot be charged to any obstruction he met with from the Government here in any respect, nor can

30. "A rather curious proposition," says Archdeacon Raymond, "was made by McNutt to the Lords of Trade early in 1763. McNutt offered at four weeks' notice to provide vessels, properly fitted and victualled, to transport foreign Protestants without any cost to the Government, to South Carolina, on consideration that he should receive for every man, woman and child embarked, at the rate of fifty acres of land on the Island of St. John (Prince Edward Island)." "The Lords of Trade were not disposed to grant so large a quantity of land on the Island of St. John to one individual, as it might tend to a monopoly inconsistent with the public interest. They therefore offered the Colonel the grant of a tract in Nova Scotia, free from the payment of quit rents for ten years, in proportion to the number of people he should carry to Carolina. In consequence of the engagements entered into, McNutt at the close of the year submitted a memorial to the Lords of Trade stating that he was entitled to 10,000 acres of land and desired to have a grant on each side of Indian Bay, in the Island of Cape Breton, with Cape Sherburne and other such parts as he might choose upon Spaniard's Bay or Harbour." Archdeacon Raymond's first monograph, p. 84.

If McNutt was entitled to the 10,000 acres he claimed, i. e. fifty acres for every person he had taken or directed to South Carolina, then the number of his emigrants would have been two hundred. Regarding this alleged enterprise we can only say that no history of South Carolina we have seen makes any mention of it, and with so many other false statements of McNutt's before us we have no faith that McNutt here tells the truth. The whole matter, as Archdeacon Raymond says, is indeed most extraordinary.

we tell how it arose that Colonel McNutt, though often called upon for that purpose, never produced vouchers for the expenditure of one shilling, except he means some accounts from his agents,[31] not signed by them and otherwise very blind and imperfect." "That after inquiry we cannot find any agent Colonel McNutt ever had at Halifax, unless he means some one of his creditors of whom he borrowed money, and at his going away deposited in his hands sundry securities that he had taken from the settlers he brought into this province for payment of their passages." "And we could wish that the great concern Colonel McNutt expresses at being under the necessity of mentioning anything in the least tending to the disadvantage of any man's character, had in any degree prevented his departure from truth and decency, his reflections on that head being altogether without either."

"The year 1766," says Archdeacon Raymond, "witnessed the decline of Alexander McNutt's fortunes. His plans for the promotion of Irish immigration, which at one time looked so promising, had been frustrated by the action of the ministry in England. He had ceased to be a middleman between the immigrants of Pennsylvania and the Nova Scotia government. He had quarrelled with Governor Wilmot and his council at Halifax. In consequence he seems to have concluded it best to retire to Port Roseway and do what he could to promote his settlement there."[32] From the beginning of his negotiations with the Nova Scotia Government McNutt seems to have had a special liking for the country bordering on what is now Shelburne harbor. This harbor is indeed a beautiful and spacious one, and so attractive did it prove at a later time that when in 1783 the New York Loyalists determined to remove to some part of Nova Scotia it was here that they planned to settle and did for a time locate. In 1759 the Nova Scotia government had promised McNutt a township at Port Roseway, but it was not until 1765 that a grant at this place was actually given him. On the 26th of September, 1765, a memorial from him was read at a meeting of the Council in Halifax asking for a grant at Port Roseway in order that he might

31. Who the "more than thirty" agents McNutt says he had in various colonies were we should much like to know.

32. Archdeacon Raymond's first monograph, p. 95.

found there a township to be called by the extraordinary name *New Jerusalem.* This petition was granted and on the 15th of October the grant was formally made out and McNutt entered into possession of an immense tract of land, containing roughly one hundred thousand acres, including islands lying south of the tract.[33] Of these islands the most important was the large island at the mouth of Shelburne Harbor which still bears the name "McNutt's Island," and here McNutt himself, we presume in conjunction with his brother Benjamin, built a house in which Benjamin evidently lived until near the time of his death, and to which Alexander in the intervals of his wandering frequently returned.[34] Of McNutt's efforts to settle his township, New Jerusalem, we have found no records whatever, but careful study of the early history of Shelburne County has made certain the fact that he brought at least one family, that of his brother Joseph, to a spot on the mainland a little to the southwest of the Island, called Point Carleton or Round Bay. That he may have induced a few other families to settle in the township is quite possible, for in 1786, as we shall later see, one or two men in the Shelburne tax list are designated, as was the widow of Joseph McNutt, "old settlers." The period of McNutt's ownership of his hundred thousand acres at Port Roseway was, however, very short. On the 14th of December, 1768, to satisfy an execution of Henry Ferguson, a merchant of Halifax town, against McNutt,

33. This tract is described as "100,000 acres near Cape Negro River." Crown Land register, Vol. 7, fol. 18. In this Akins Prize Essay, in manuscript, in King's College Library, Nova Scotia, Mr. Thomas Robertson minutely describes the boundaries of this Port Roseway grant, as "beginning at the first Lake in Cape Negro River and running from thence N. 33° 15′ West and measuring ten miles, then N. 66° 15′ East till it meets with the line beginning at the falls of Green River and running North 33° 15′ West, and is bounded by the ocean on the South East, and West by the Harbour and River of Cape Negro, together with all the Islands South of said limits, containing in all about 100,000 acres." "A short time after this [the giving of the grant]," says Mr. Robertson, "he [McNutt] asked leave of the Government at Halifax to allow *the first settlers who should arrive at Port Roseway* to settle on the vacant lands in the Townships of Barrington and Yarmouth, together with a small island called Cape Negro Head." Archdeacon Raymond says: "In one of his later memorials to the Lords of Trade and Plantations, McNutt speaks of having laid out a tract of land at Port Roseway, near Cape Sable, on which he proposed to build a city, a plan of which he submits, and prays their Lordships to obtain for him a charter for establishing and confirming the said city in its rights and privileges. He proposed to call the city New Jerusalem."

34. Mr. Thomas Robertson says that in 1871, when he wrote his prize essay on Shelburne "the site" of McNutt's house (by which he probably means traces of the foundation) were still to be seen.

the provost marshal (sheriff) of Halifax County "set off, made over, and sold" to Ferguson this whole enormous tract. On the 9th of March, 1771, the sheriff gave a formal deed of the property to Hon. Benjamin Gerrish of Halifax, the township of New Jerusalem having been put up at auction by this officer and sold for Ferguson's benefit to the highest bidder. For his newly acquired property Mr. Gerrish, one of the most prosperous merchants of Halifax, gave the not inconsiderable sum of three hundred and fifty pounds currency. In the *Halifax Gazette,* three years after Mr. Gerrish's death, which took place in 1772, the Port Roseway grant entire was repeatedly advertised to be sold at auction, by the executors of his estate. That it was never transferred to any other person, however, seems clear from the absence of the record of any such transfer in the Halifax deeds.[35] After the Loyalists came to Shelburne, or about the time of their coming, it became necessary to distribute the Port Roseway land, and whether with or without recompense to the estate of Mr. Gerrish, if the estate still held it, the property was formally escheated, the instrument of escheat declaring that the original grantee had never fulfilled the conditions under which he had obtained the grant, he having neither paid quit rent nor settled the required number of families on his land.[36] After 1768, as we know, no part of the island properly belonged to McNutt or his brother, but as his brother Joseph and whatever other settlers he had introduced into the township were allowed to remain in undisturbed possession of the land on which they had been placed, so he and his brother were permitted still to occupy the upper end of the island, where their house stood. To that island, in the intervals of his wandering, McNutt no doubt occasionally returned, but his brother Benjamin probably stayed there, farming and fishing most of the time. On the 7th of July, 1785, the island (which Archdeacon Raymond says in some of the early plans is called "Roseneath") was distributed among thirty-

35. The facts given here have been gleaned from the registers of deeds in Halifax and from the *Halifax Gazette.* In the advertisement in the *Halifax Gazette* the land is described as formerly granted to Alexander McNutt, "but lately the property of Benjamin Gerrish." The auction was to take place at the house of Mr. John Rider in Halifax.

36. The record of escheatment of this property may be seen in the Crown Land Office in Halifax, but the endorsement has nothing to show that money was paid the Gerrish estate when the land was taken by the crown.

eight proprietors, thirty-seven of these receiving fifty acres apiece, the thirty-eighth, Benjamin McNutt, no doubt in consideration of his having lived there so many years, receiving two hundred and fifty.[37] When we come to speak more definitely of Benjamin McNutt we shall see that in his will he bequeathed his property on the island to his "friend" Martin McNutt, cooper, probably of Shelburne town.

During the twelve years between 1766 and 1778, Alexander McNutt lived probably much of the time on the island where he and his brother had their house, but he was a restless spirit, and moreover he had interests in other parts of the province, notably Truro, and in this township we sometimes find him, among the Archibalds and others whom he had directed from Londonderry, New Hampshire, in 1761. In 1771 McNutt is reckoned in a census of Truro as living, a single man, in Truro, and on the 8th of May of that year we find him executing in Truro a deed of two rights (a thousand acres) he had received in Londonderry, Colchester County, to his "loving son Samuel Archibald McNutt of Truro, surveyor." To an historian unacquainted with McNutt's eccentricities this extraordinary deed would be a puzzling document, for McNutt is believed never to have married, and the history of Truro shows no such person living there at any time as Samuel Archibald McNutt. The deed begins: "I Alexander McNutt, Esqr., of Jerusalem Pillgrim," and states that for and in consideration of the love and affection he has and bears towards his loving son, he gives and grants freely and clearly and of his own good will and mere motion, to Samuel Archibald McNutt the land in Londonderry he had received by a grant from Government, October 31, 1765. Instead of "Samuel Archibald McNutt, surveyor," the person intended in this deed was undoubtedly Samuel Archibald, surveyor, a young man of twenty-eight, whose father, David Archibald, was one of the Londonderry, New Hampshire, settlers whom McNutt had directed to Truro. The deed is executed before David Archibald, as justice of the peace, and witnessed also by David Archibald,

37. See Archdeacon Raymond's first monograph, pp. 95, 96, and manuscript records in Shelburne. Dr. Raymond speaks of a plan of the island preserved at Ottawa, which is marked "Survey'd, laid out, and granted Benjamin McNutt and *87* others." The number is properly 37.

and that McNutt should have given young Archibald, apparently seriously, a name to which he had not the least claim, and which would of course make the deed to him valueless is to be as little understood as many other freaks of this curious man. McNutt's land at Londonderry, which if we remember rightly comprised the only other individual grant besides Port Roseway, with which the Nova Scotia Government endowed the colonizer, like the Port Roseway grant to him, was finally seized by the Sheriff for debt, and on the 29th of June, 1776, the creditor, James Fulton, of Colchester County, sold it all, except sixty acres of marsh, which was "occupied by the inhabitants of Chiganoise," to a group of Colchester men.[38]

Whatever McNutt's chief interests were between the time that he ceased his colonization schemes and his leaving Nova Scotia in the early stages of the Revolution, it is evident that he did not cease to annoy the Government with rash and unwarranted acts. This is shown by the fact that in 1769 Attorney General Nesbitt informed the Council that McNutt had "parcelled out land to several persons, pretending to have authority under the King's sign manual to settle all ungranted lands in the province. On this it was ordered that the Attorney General should prosecute McNutt, and that a proclamation should issue forbidding unauthorized occupation of land and cutting timber under penalties."[39] So far as we know the ordered prosecution was never carried out, and it is natural to suppose that McNutt, learning of the order of Council felt it wise to desist from the particular offensive acts of which the Attorney General had complained.

II

In the early summer of 1778, McNutt left Port Roseway on a vessel for Boston, in which city he took up his residence and at once began a new species of activities. He was apparently never so happy as when memorializing governmental bodies, and he had no sooner reached Boston than he began a series of

38. These facts have been discovered, like the facts concerning the Port Roseway grant, in the registers of deeds in Halifax, Truro registers also furnishing important information concerning the latter grant.

39. Records of the Council, quoted also by Murdoch in his History of Nova Scotia.

appeals to the Massachusetts Council, complaining of the robbery of his house at Port Roseway by a party of "armed ruffians" from a Boston privateer called the *Congress,* on the preceding 22nd of June, and begging that the Council would give him redress. His brother, he says, was with him when the robbery was committed and like himself had suffered violence at the robbers' hands.[40] As soon as the scoundrels left, he tells the Council, he had departed for Boston, and he relates that on his passage thither, in a small vessel, he had been seized by a British frigate but had afterwards been released and set on shore. From whatever point he landed he had proceeded in a whaleboat to Falmouth, Maine, from which place he had continued his journey to Boston on foot." In his memorials he declares strongly his sympathy with the American revolutionists and challenges "even Enmity itself" to produce one single instance in which he has "deviated from the Resolves of Congress" since the year 1774. Before he left Nova Scotia, he complains, he had been deprived (he means, no doubt, by the Government)of property worth forty thousand pounds sterling, probably much more having likewise been taken from him since he came away. A certain Dr. Prince, he says, "with others of like kind," had applied to Britain for his lands, and for his life, representing him as disaffected to the crown, which application had been supported by the Governor and Council.

Almost immediately after he reached Boston he also began a series of appeals to the Continental Congress at Philadelphia, imploring that body to take steps to draw Nova Scotia into the Revolution. The people of this maritime province, he claimed, were anxious to get free from Britain's rule and would thankfully receive any assistance in securing their freedom that Congress might give. How early after this McNutt visited Philadelphia we do not know, but his first appeal was read there before Congress on the 29th of September, 1778. His memorial was referred by Congress to a committee of three, and a month later

40. McNutt claimed that he had been robbed by these ruffians of fire-arms and ammunition, furniture, "superfine Scarlet and Bleu Cloths, Books, Silver Spoons, Silver Buckles, Plain, Set and Carved, Gold lace, Diamond Rings, with a number of other articles." McNutt's memorials are found in the Massachusetts Archives, and have been printed by Edmund Duval Poole in his "Annals of Yarmouth and Barrington in the Revolutionary War" (1889).

the committee reported that "after a conference with the memorialist, it appears unnecessary to take any further action at present," and recommended that the sum of three hundred dollars be given McNutt in consideration of the expenses he had incurred in his efforts to serve the United States. In January and March, respectively, 1779, he makes similar appeals, in the March petition being joined by Phineas Nevers, one of his original colony at Maugerville, New Brunswick, and Samuel Rogers, who had settled at Sackville, in the same province.[41] On the 7th of April the Committee to whom these appeals had been referred report on the "memorial of Alexander McNutt and others, agents for several townships in Nova Scotia," that in their opinion "it is greatly interesting to the United States of America that Nova Scotia should not remain subjected to the government of Great Britain, to be used as an instrument to check their growth or molest their tranquillity. That the people in general of that Province have been thoroughly well disposed towards the United States from the beginning of the present war. That they made early application to Congress for direction how they might be serviceable to the Continental cause, offering to raise three thousand men in ten days. That they have since repeatedly applied for countenance and aid to enable them to assert their independence. That they have as often received friendly assurances from Congress, though circumstances prevented any vigorous efforts in their favor. That they begin now to apprehend the United States will rest satisfied with their own independence, and leave Nova Scotia under British despotism. That the memorialists were sent forward by the people to obtain from Congress some assurances to the contrary, hoping they may not be reduced to ask for ammunition and a guarantee of their freedom in France or Holland. That it would tend greatly to animate the well-disposed in Nova Scotia and to secure the Indians to the United States, as well as to promote desertion from the enemy and facilitate supplies of live stock to the eastern parts of the Union, if a road was opened through the country from Penobscot to St. John's River. That for such a work a body of faithful men

41. Rogers at a certain date appeals to the Continental Congress to be allowed to have Sackville and come with his family and their effects to the United States. See the Journals of Congress.

strongly interested to accomplish it might be found among those who have been driven by the hand of oppression from Nova Scotia. Your committee therefore propose the following Resolution: Resolved, That Lieut.-Col. Phineas Nevers and Captain Samuel Rogers be employed to lay out, mark and clear a road from Penobscot river to St. John's river in the most commodious line and in the most prudent manner. That they be empowered to enlist for such service a body of men not to exceed fifteen hundred. That fifteen thousand dollars be advanced to them for carrying on this work, for the faithful expenditure of which they shall become bound to the United States on a bond to be given to the Continental treasurer." What debate there may have been in Congress on this report we do not know, but it is clear that the recommendations of the Committee were not acted upon, and after two more appeals to Congress in 1779, one of which signed also by Joseph "McKnutt," Samuel Henderson, and Anthony Henderson, prays that certain persons may be allowed to come from "Great Britain and Ireland" to the United States; and still two other appeals, the substance of which we have not ascertained.[42] McNutt in 1781, ceases his memorials to the Continental Congress.

On the attitude of the people of Nova Scotia generally in the war of the Revolution, it becomes increasingly clear that the last word has not yet been spoken. From the entries we have given and from other mentions in the Journals of Congress we see how strong the desire of Congress was to draw Nova Scotia also into the revolt against the British Crown, and as time goes on more and more echoes reach us of the sympathy that was undoubtedly felt in various parts of the province with the war for independence that was so successful in the thirteen colonies that became the original United States. From these appeals of McNutt's to Congress we judge that before he left Nova Scotia he had been actively engaged in fomenting rebellion, but how true his claims are to be the authorized representative of any considerable body of Nova Scotians in seeking aid from Congress, we are left to imagine. From what we know of the man and his habitual ten-

42. The two memorials in 1781 were dated respectively, January 3rd and June 15th. The first of these was read January 13th, and the second, which inclosed "Extracts from memorials presented at Whitehall" by McNutt, was read October 15th.

dency to falsify we may believe that in his appeals to Congress he characteristically misrepresents facts, and in regard to himself claims authority to represent the Nova Scotia people which no important community had given him. In this judgment we are strengthened by the following scathing arraignment of him in a letter to Major Studholme at Fort Howe, on the St. John River, received by that officer about the middle of October, 1781: "I am to inform you that there is a certain Colonel McNutt, who is well known in Nova Scotia, that he has pawned [palmed] himself upon the Congress at Philadelphia for some time past as an agent to transact business with that body for the inhabitants of Nova Scotia, by virtue of certain powers invested in him for that purpose; as he is a subtle, designing fellow, and has endeavored to circulate several letters and dangerous pamphlets throughout the Province, I wish to acquaint Government of it in order that such necessary steps should be taken as may be thought proper to suppress such unwarrantable proceedings and prevent the ill consequences that may attend it." This letter Major Studholme sent to Lieutenant-Governor Francklin with the request that after he had read it he would inclose it to Mr. Bulkeley, the Provincial Secretary.[13]

Local Virginia tradition says that at the close of the Revolution McNutt went again to Nova Scotia and remained there some years, and this Virginia tradition records preserved in the town of Shelburne fully bear out. In his manuscript history of Shelburne County, to which we have several times referred, Mr. Thomas Robertson says: "In September, 1791, Colonel McNutt was living on the island in Shelburne Harbor, as I find by a letter in an old letter book addressed to him from one of the merchants of Shelburne." In tax lists of Shelburne of the years 1786 and 1787 Alexander McNutt's name is found, in that of 1787 his brother Benjamin's also appearing. In the list for 1786, Alexander is designated "gentleman," his residence being given as McNutt's Island, but in the list for 1787 both Alexander and Benjamin are called "farmers," their taxes respectively being

43. Our authority for the reception by Major Studholme of this letter is, "Biographical Sketches," in Mr. Thomas Robertson's "History of Shelburne County," in manuscript in King's College Library, Nova Scotia. Mr. Robertson wrote his essay in Halifax, and he no doubt found the information above in the Nova Scotia Archives or the Minutes of Council.

3/3 county tax and 2/9 poor tax. In the previous year Alexander's taxes had been 20/ county tax and 10/ poor tax, but for both years the taxes remained unpaid until October 5, 1790, when a summons and execution compelled them to be given in. From a capitation tax list of Shelburne in 1794, preserved in Halifax,[44] we know that Alexander was still in Shelburne, but from a deed (of property he did not own and had never owned) which he executed in Rockbridge County, Virginia, on the 20th of March, 1797, we see that he had left Nova Scotia some time earlier than this date.[45]

Of Alexander McNutt's last years in Virginia we know very little. The statement that he spent these years at the home of a brother John at the "Forks" in Lexington, Virginia, is of course untrue, for his brother John never left Nova Scotia after his settlement there in 1765. In the County Court records of Rockbridge County,[46] in a document dated September 18, 1802, McNutt is designated "Colonel Alexander McNutt from Nova Scotia, now in Rockbridge County, and State of Virginia," but with whom he was living we have no idea. He is said to have died in 1811, but local tradition is uncertain as to where he was buried, one statement being that his grave was in the cemetery at Lexington, the capital of Rockbridge County, the other that he was buried at Falling Spring. Twenty years after his death conspicuous notices of him began to appear in Virginia publications. The first of these, probably, in permanent form, was in Alexander Scott Withers' "Chronicles of Border Warfare," first published in Northwestern Virginia in 1831. In his "Historical Collections of Virginia," published in 1852, the historian Henry Howe says: "In the Falling Spring churchyard, on the forks of the James River, is the grave of

44. Four capitation tax lists of Shelburne are preserved in Halifax, of the years 1791, 1792, 1793, and 1794, respectively, and in all the names of both the McNutt brothers appear. In all the lists both men are designated farmers, and their relative ownerships of property are thus indicated; in all four lists Alexander's tax is one shilling, in 1791 and 1792 Benjamin's being the same; in 1793, however, Benjamin's is 2/7, and in 1794, 2/2. In both 1793 and 1794, Benjamin McNutt is credited with having three horses and ten sheep, while Alexander's property is not specified.

45. See Archdeacon Raymond's first monograph, pp. 99, 100.

46. Will Book, No. 2, p. 300. See Archdeacon Raymond's first monograph, p. 101. We have never been able personally to examine Virginia records, but we take for granted that this particular record is there.

Governor M'Nutt, who died in 1811. He was a lieutenant in the company of Captain John Alexander (father of Dr. Archibald Alexander), in the Sandy Creek voyage, in 1757. Shortly after, he was appointed *governor of Nova Scotia,* where he remained until the commencement of the American Revolution. In this contest he adhered to the cause of liberty, and joined his countrymen in arms under Gates, at Saratoga. He was afterwards known as a valuable officer in the brigade of Baron de Kalb in the South."[47] Mr. Joseph Addison Waddell, in his much more recent "Annals of Augusta County," says: "For some years McNutt resided in Nova Scotia, but the popular beilef that he was governor of that province is unfounded. After the Revolutionary War he joined the American Army at Saratoga, and was afterward an officer under DeKalb in the South. He died in 1811, and was buried at Falling Spring Churchyard, Rockbridge."[48] Describing McNutt's connection with the Sandy Creek expedition of 1756, Mr. Waddell says: "McNutt *is supposed* to have been in confidential relations with Governor Dinwiddie, to whom (and not to Governor Fauquier) he delivered his account of the Sandy Creek expedition. After his affray in Staunton with Andrew Lewis he went to England, *and being recommended by the Governor of Virginia was admitted to an audience with the King.* Ever afterwards he wore the prescribed court dress." "The French having been driven out of Nova Scotia, McNutt received from the Government grants of extensive tracts of land in that province upon condition of introducing other settlers. He accordingly brought over many people from the north of Ireland, including persons of his own name, and a sister, who married a Mr. Weir. Admiral Cochrane, of the Britsh Navy, is believed to be a descendant of Mrs. Weir, and others of her descendants are now living in Nova Scotia." "Alexander McNutt seems to have returned to Nova Scotia after the Revolution, as in the deed of 1785 he is described as 'late of Augusta

47. "Historical Collections of Virginia," by Henry Howe, Charleston, S. C., 1852, p. 456.

48. "Annals of Augusta County, Virginia, from 1726 to 1871," by Joseph Addison Waddell, first published at Richmond, Va., in 1888. (See p. 84, and Supplement, pp. 440-442); 2nd Edition, revised and enlarged, published at Staunton, Va., 1902 (pp. 72, 130, 230).

county, now of Halifax, Nova Scotia."[49] But he did not remain there long. He appears to have been a visionary man, and in his latter days at least, somewhat of a religious enthusiast. While living in Nova Scotia he attempted to found there a settlement to be called 'New Jerusalem.' It is presumed that his lands in that Province were confiscated when he came away and joined the American 'rebels;' but in 1796 he undertook to convey by deed 100,000 acres in Nova Scotia [sic] to the Synod of Virginia, in trust for the benefit of Liberty Hall Academy, in Rockbridge, among other purposes 'for the support of public lectures in said seminary, annually, on man's state by nature and his recovery by free and unmerited grace through Christ Jesus, and against opposite errors.' Possibly finding that this deed would not do, he executed another next year directly to the trustees of Liberty Hall, for the same uses. The second deed was witnessed by Andrew Alexander, Conrad Speece, and Archibald Alexander. It is unnecessary to say that Liberty Hall did not get the land. McNutt never married, and left no posterity. His old-fashioned dress sword was preserved by his collateral descendant, Alexander McNutt Glasgow, of Rockbridge; but at the time of Hunter's Raid, in 1864, the silver-mounted scabbard was carried off, leaving only the naked blade. John McNutt, a brother of Alexander, settled on North River, Rockbridge."

In the Staunton, Virginia, *Spectator,* of February 29, 1888, appeared a letter from the Hon. William A. Glasgow, of Lexington, regarding the McNutt family of Virginia, from whom the writer was descended, and especially concerning his collateral ancestor "Colonel" Alexander McNutt. Mr. Glasgow repeats

49. "While living in Nova Scotia in 1761, McNutt executed a power of attorney, authorizing his brother John to sell and convey his real estate. In pursuance of his instrument John McNutt, on August 16, 1785, conveyed to Thomas Smith, in consideration of £110, lot No. 10 in Staunton, which was purchased by Alexander in 1750 for £3, as stated on page 72. . . . John McNutt, a brother of Alexander, settled on North River, Rockbridge," etc., etc. "Annals of Augusta Co., Va., from 1726 to 1871." Second Edition, 1902. We have not been able to do any genealogical work in Virginia, and as we have said, we know very little of the McNutt family settled there. By Virginia census returns of the years 1783-1786 we learn, however, that at that time, somewhere in Greenbrier County, West Virginia, there were living, probably as heads of families, a James, a John, and a Francis McNutt. Who the John McNutt who is said to have settled on North River, Rockbridge, may have been we cannot tell, it was certainly not Alexander's brother John, for he was a blacksmith in Nova Scotia, where, as we have said, he lived continuously probably from 1765 to the end of his days.

the statement that not long after the expedition against the Shawnees, McNutt took passage for England, "it is supposed," with strong testimonials from Governor Dinwiddie, in intimate relations with whom "he is supposed" to have been. When he returned from England it was with the military title of Colonel, and "in court dress, which he always afterward wore, and with a dress sword at his side."

A still later publication in the United States, dealing with Alexander McNutt, is a volume entitled "Genealogies and Reminiscences," compiled under the auspices of Mrs. Henrietta Hamiltou McCormick, a descendant of the John McNutt of Virginia who is said to have been Alexander's brother.[50] In this volume appears a most uncritical sketch of the Virginia McNutt family, in the course of which many of the preceding tales of Alexander McNutt's greatness are re-told, and the additional flattering distinction given the gentleman of having been *knighted by King George II "for his services and gallantry."* "The sword which was then presented to him by the King," says this writer, "is still preserved, though despoiled of its silver mounting, chains, and ornamented scabbard, by the soldiers of General Hunter's command, when they made their raid in the Valley of Virginia during the Civil War." The writer of the sketch repeats the fond story that after he left Nova Scotia McNutt joined the Continental forces under General Gates at Saratoga, and then was a "meritorious officer" on the staff of De Kalb in the South. At the close of the war, the writer says, McNutt "returned to his estate on McNutt's Island," from which fact "it would seem that his original house in Halifax [sic] and his *island estate* were left untouched by the British Government." It was Governor Dinwiddie, the writer explains, not Governor Fauquier, who presented McNutt at the court of George II, and paved the way for the honors and favors afterwards heaped upon the colonizer. "As long as this distinguished personage lived," adds the writer, "he wore the court costume of the reign of George II, with buckles and ornamented buttons of silver, and trimmings of gold lace, a cocked hat, powdered hair, and top boots. His sword never left his side." The writer concludes by

50. Genealogies and Reminiscences, Compiled by Henrietta Hamilton McCormick. Revised Edition. Chicago: Published by the Author. 1897, pp. 53-64.

saying that McNutt "expired" in 1811, and was "interred" in the cemetery at Lexington.[51] In view of the actual facts of McNutt's life as we know them from reliable documents, most of these flattering statements have to be pronounced entirely untrue. That McNutt in earlier life was in confidential relations with Governor Dinwiddie is a baseless assumption, and that soon after the obscure Shawnee raid, in which as a rustic subaltern he had taken part, this young militia officer, with Dinwiddie's introduction, went to England and had an interview with the King and received a sword from him is quite impossible, especially as his supposed patron, Dinwiddie, left the governorship of Virginia as early as January, 1758. In any case, McNutt's quarrel with Lewis took place in Staunton at some time between 1756 and 1758, and as early as September, 1758, and probably somewhat earlier he was settled among the Scotch-Irish in Londonderry, New Hampshire. That McNutt was ever in England before 1761, when he went there to further his colonization schemes, seems next to impossible, and on the 25th of October, 1760, George the Second had died. That the colonizer ever saw any distinguished military service whatever is impossible, nor can we believe that he properly bore the title "colonel." As a militia officer in Massachusetts he was to the end of his slight service there, captain, not colonel, and there seems no way that he could ever have reached any higher military rank.[52] Nor did he, after he left Nova Scotia, serve with General Gates at Saratoga or Baron de Kalb in the South. On the 17th of October, 1777, Burgoyne surrendered to Gates at Saratoga, and it was not until late in June, 1778, that McNutt came to Boston from his Port Roseway home. Baron de Kalb died August 19, 1780, and at that time, as at least for a year afterward, McNutt was clearly living between Boston and Philadelphia, busily engaged in his favorite pastime of drawing up memorials, and publishing through the

51. "Genealogies and Reminiscences," pp. 61-64.

52. In a letter from the Lords of Trade to Jonathan Belcher, Esq., President of the Nova Scotia Council, written March 3, 1761, McNutt is referred to as "Captain Mac Nutt." More frequently he is spoken of in official correspondence of the time as "Mr." McNutt. In a letter dated at Halifax, November 13, 1762, from Honbles. John Collier, Charles Morris, Henry Newton, and Michael Franklin, to His Excellency Governor Ellis, annexed to a petition from McNutt to the Lords of Trade, and received April 12, 1763, the gentlemen writing the letter call McNutt "Colonel." On what grounds they do this, unless it is on some representation made by McNutt himself, it is impossible to see.

printing press of Robert Aitken of Philadelphia a series of strange pamphlets, some of which have come to us, furthering a scheme he had conceived of making the Maritime Provinces an independent republic with a democratic government which he somewhat ably outlines, and bearing the not hitherto unheard of name of "New Ireland." That most of the popular stories of his greatness were invented by himself in Virginia after he finally left the North seems almost certain, for McNutt was quite equal to such inventions, and in the remote southern country where he had been brought up, he no doubt found a receptive audience.[53] In one particular, however, Virginia tradition concerning McNutt is very likely correct, after he returned to Virginia he is said to have been on friendly terms with Thomas Jefferson, sometimes visiting this gentleman at Monticello, whither from Rockbridge County he always travelled afoot.[54]

The culminating act of McNutt's singular career, was the giving, as we have intimated, of worthless deeds in 1796 and 1797, to a Presbyterian academy in Rockbridge County, Virginia, of a hundred thousand acres of land on the St. John River, which he speaks of as still "lying in the Province of Nova Scotia." The lands which he describes in this deed had never belonged to him, nor indeed with one exception had he ever had any actual share in lands on the St. John River, and Archdeacon Raymond's chief explanation of his performance is, that he had now passed his three-score and ten years, and his mind and memory may have been confused.[55]

Regarding the publications of McNutt to which we have just referred, a few words ought to be said. In the Boston Public and the Massachusetts Historical Society's libraries are to be found

53. McNutt's militia service in Virginia and in New England was so slight that we cannot help being amused at the statement he boldly makes to the Lords of Trade that (See Archdeacon Raymond's first monograph, pp. 62, 111) he had raised three hundred men for Louisburg, a tale which finds not the least confirmation in Massachusetts records, nor astounded at the falsehood which also occurs in a memorial he presents to the Lords of Trade that ever since the defeat of Braddock he had been engaged in defence of the Protestant interest, had been in upwards of twenty engagements by sea and land, and had always served as a volunteer, having never asked nor received one shilling for all his expenses." See Archdeacon Raymond's first monograph, p. 75, and compare McNutt's statement quoted there, which we have just paraphrased, with the payments he received for military services from the Massachusetts Council, as recorded in Mass.

54. Archdeacon Raymond's first Monograph, p. 99.

55. Archdeacon Raymond's first monograph, pp. 99-101.

copies of a 16 mo. pamphlet entitled, "The Constitution and Frame of Government of the Free and Independent State and Commonwealth of New Ireland. As prepared by the special dictation of the people, for the consideration of their convention, when met. Composed by those who are invested with proper authority for that purpose. Printed by R. Aitken, for the free and independent State of New Ireland." The pamphlet covers, besides a title page and one blank page, thirty-seven pages, and comprises, in all, four divisions: An opening address "to the good people of New Ireland," of four pages; a declaration of the rights of the inhabitants of the State of New Ireland, of between five and six pages; "the Constitution and frame of government of the free and independent state and commonwealth of New Ireland," of eight pages; and a detailed scheme of "government of the state of New Ireland," of nineteen pages. To this is appended, in larger type, an "Advertisement," of a little less than five pages, unnumbered, signed "A. M' N. of J. P." In the library of Harvard University is another copy of this same pamphlet, bound cheaply, together with three separate appeals or addresses "to the peace makers," numbered respectively iv., v., and vi., covering in all twenty-two consecutively numbered pages, each address, like a sermon, headed with a Scripture text, and and signed in the following inscrutable way: "A. (a symbol of the sun) N. P. of S. J. A. & N. J."[56] A title-page to the little volume in which these several publications are brought together bears the following: "Considerations on the sovereignty, independence, trade and fisheries of New Ireland (formerly known by the name of Nova Scotia)[57] and the adjacent islands: Submitted to the European powers that may be engaged in settling the terms of peace, among the nations at war. Published by order of the sovereign, free and independent commonwealth of New Ireland." On the back of the title page is this remarkable pretended authorization of the appeals: "By virtue of the author-

56. We have found it impossible fully to interpret this collection of initial letters and symbols. The symbol of the sun is probably a hieroglyphic denoting son (Mac), and this is part of McNutt's name, and the last letters N. I. mean undoubtedly "New Ireland," but what the others mean, or what the foregoing signature, "A.McN. of *J. P.* means, we cannot tell.

57. It will be remembered that Nova Scotia never bore the name "New Ireland," nor so far as we know did any one ever propose to call it so. An effort was once made, however, we believe by Prince Edward Islanders to call their island by this name.

ity derived from the people of New Ireland, formerly known by the name of Nova Scotia, comprehending the islands adjacent, viz., St. John's, Cape Breton, Newfoundland, etc., etc., these numbers are published and forwarded for the consideration of the European courts: the preceding numbers more especially concern the people of New Ireland, and the United States. A person vested with full power to act in behalf of the people of New Ireland, in the treaty of peace, when this shall take place, will soon be dispatched to Europe." At the top of the general title page of this small volume in the Harvard Library is written: "Col. McNut to Jno. White," and in the back of the volume is inscribed in a much more modern handwriting: "Written by Col. McNutt who was in Salem just before the close of the war of the American Revolution." Below this is written in still another hand: "The above notice was written by the Rev. Wm. Bentley of Salem. It appears by the title page that this copy was presented to John White of Salem by Col. McNutt himself."

In the letter to Major Studholme we have given on a previous page, the writer says that McNutt "has endeavoured to circulate several letters and dangerous pamphlets throughout the province." These pamphlets, we must believe, were the earlier pamphlets, Nos. I, II, and III, of the series of which McNutt in the little volume in the Harvard Library, gives Nos. IV, V, and VI, for McNutt says that these earlier pamphlets, no copies of which have so far come to our hand, were addressed particularly to the people of America. In the governmental scheme for New Ireland that McNutt outlines, an intelligence in matters of government is manifested that would in any age stamp the originator as a man of unusual clearness of mind and consecutive judgment, but when one remembers that no such state as the New Ireland commonwealth he assumes as existing really did exist, and when in his "Advertisement" he says that "Europeans panting after the sweets of liberty and independence will flock thither, as well as many well disposed persons from other states," and adds, "we are happy that it is in our power to offer them such encouragement as is not to be found in any other spot on earth;" and when he boldly announces that "wherever a sufficient number appears, a vessel will be appointed to take them on board, at the most convenient port or harbor, for the

customary freight," and further advises people to apply early, "as the season is advancing," we wonder again whether the curious man who wrote these pamphlets was sane.[58] This whole series of pamphlets is undated, but they were undoubtedly all printed by Robert Aitken of Philadelphia, at intervals between 1776 and 1781.

Concerning the relatives of "Colonel" Alexander McNutt who settled in Nova Scotia many highly inaccurate statements have been put in print. As we have already stated, the names of his parents we do not certainly know, but Nova Scotia records give us considerable light on the brothers and probably the sister he brought to this province as early as 1765. In the registry of deeds of Truro will be found a declaration from McNutt, apparently made to prevent the escheatment of a grant he had secured for his brothers, partly in Londonderry, Colchester County, and partly in Noel, Hants County, that the owners of the grant, Benjamin, Joseph, and John McNutt, were his "three brothers."[59]

58. Archdeacon Raymond says: McNutt "was quick to think, quick to act, quick to *write*. His memorials to the Lords of Trade and Governors of Nova Scotia are in some cases very voluminous, seemingly written with haste, not always elegant in style, and expressed with greater freedom than was customary in those days. Many of his suggestions were wise, his criticism was often trenchant and well timed; but on the other hand, some of his plans were very unpractical and the claims he advanced not always reasonable. He was a staunch upholder of the cause of civil and religious liberty." First monograph, pp. 61, 67, 68, 93.

59. The declaration is as follows:

"Be it hereby made known and manifest to all whom it may concern that I the Subscriber did procure a Grant of a Tract of Lands at the Village Noel, and also in the Township of Londonderry, to Benjamin Mc nutt, Joseph nutt, John Mc nutt, &c., which I obtained for them, the said Benjamin Mc nutt &c. in the time of Govr Wilmot and that the said Benjamin Mc nutt, Joseph Mc nutt and John Mc nutt are my three Brethren, and further that my Brother Benjamin did in the year 1761 Introduce into this Colony of Nova Scotia and pay the Passage of a Sufficient Number of Settlers to fully Secure the aforesaid Grants of Lands forever, from forefeiture, agreeable to my Proposals and Covenants at White Hall or Westminster, all which is Hereby Certified this 27th Day of October 1787 By

Alexander McNutt [Seal]

Signd Seald in presence of
George Cochran

5/ Kings County Ss, Horton Nova Scotia October 27th 1787 Personally appeared Alexander McNutt Esqr and made Solemn oath To the truth of the above manifest or Certificate

Before me Jonathan Crane J. P.

The grant which Alexander McNutt here mentions was given to Benjamin, Joseph, and John McNutt and Patrick McCollum, June 15, 1765. The subsequent history of this grant has been clearly made out. One thousand acres of it lay in Noel, Hants County, and this was sold by the McNutt brothers to James Densmore and then on petition of Densmore, probably in order that he might be able to get a clear title, formally escheated, the petitioner paying the Crown for escheating. The remaining three thousand acres, which lay in Londonberry, Col-

This, of course, is decisive, and tradition has it that Esther McNutt, who in Newport, Hants County, where John McNutt, blacksmith, at first lived, was married to Benjamin Wier, was a sister of these men.[60] The most prolific McNutt family in Nova Scotia was a family founded in Onslow, Colchester County, in 1761, by a certain William McNutt and his wife Elizabeth (Thomson), but this family came directly from Palmer, Massachusetts, and had nothing whatever to do with the colonizer. William McNutt's father, Barnard, and grandfather, Alexander, both came from Donegal, Ireland, to Massachusetts, about 1720, Barnard having at least twelve children, of whom William, born in Palmer, July 25, 1733, was one. The name of this family uniformly in Massachusetts, and frequently in Nova Scotia, was spelled "McNitt."[61] Of Benjamin McNutt, Alexander's brother, no doubt the eldest of the three whom Alexander mentions, we know a good deal. He lived on McNutt's Island with Alexander, when the latter was there, and farmed and no doubt fished. He died, probably in Shelburne town, between September 10th and 21st, 1798, leaving all his property to his "friend," which

chester County, remained long in the McNutt family and was never escheated. It will be noticed that Alexander McNutt states that his brother Benjamin in 1761 paid the passage of a sufficient number of settlers into Nova Scotia to settle on the grant procured in 1765 and thus secure the grant. What truth there may have been in this statement no one can tell. It would be interesting to know where Benjamin McNutt lived in 1761, whether he was in any way concerned in his brother's colonization schemes, and whether at this time he did introduce settlers into Londonderry, Nova Scotia, whose presence there before the grant was obtained might have been considered as fulfilling the conditions of the settlement mentioned in the later given grant.

60. In Archdeacon Raymond's second monograph the incidental statement appears that a certain Lieut. John Wier of Londonderry, N. H., was Alexander McNutt's brother-in-law. For this statement, which is not true, the writer of the present paper and *not* Dr. Raymond is responsible, the Nova Scotia Wier family was founded in Newport, Hants Co., N. S., in 1761, by Daniel and Phebe (Mumford) Wier from Rhode Island and so far as we know had nothing to do with the N. H. Wiers. In Nova Scotia the Wiers intermarried with the Cochrans of Newport township, to whom Admiral Cochrane of the British Navy was in no way related. Admiral Cochrane, however, did live in Nova Scotia for some years.

61. In "Genealogies and Reminiscences" William McNutt or McNitt is mistakeably said to be a brother of Alexander McNutt the Colonizer, and to have come to Nova Scotia with him. This statement has no foundation in fact, William McNutt, the grantee in Onslow, farmer, and carpenter (for he had the contract to build the first Presbyterian church in Truro, the adjoining township to Onslow), had a family, the births of part of whom are recorded in the town of Palmer, Massachusetts, part in Onslow. From this family descends a very successful physician, Dr. William Fletcher McNutt of San Francisco, whose name appears in "Who's Who in America." Other descendants are mentioned in "Genealogies and Reminiscences."

probably means nephew, Martin McNutt, cooper.[62] It seems certain that he died unmarried. Joseph McNutt settled early in Shelburne County, as a farmer, probably at Round Bay, and we believe died there, or was drowned, in 1785. It seems certain that his wife was Agnes McNutt, who appears in 1786 and thereafter as a widow at Round Bay, and his children, probably, Joseph, mariner, John, Jr., Arthur, farmer and fisherman, who lived at Shelburne but was dead in 1795, Francis, mariner, who lived first at Shelburne but afterwards for many years in Londonderry, Colchester County, where he probably died, Martin, cooper, who lived and died at Shelburne, Margaret, who was living, a spinster, at Point Carleton (Round Bay) in 1807, and in Shelburne town in 1809, and Ann, a widow Belcher, living in Londonderry, with or near her brother Francis in 1819. John McNutt, blacksmith, probably the youngest of Alexander's brothers, born about 1747, as we learn from his tombstone, was living in Newport, Hants County, in 1781, but sometime between 1785 and 1795 he removed to Londonderry, Colchester County, where he continued his useful calling. He married, as we have good reason to believe, Ann Wier, born in Rhode Island, sister of the Benjamin Wier who married his sister Esther McNutt, and died childless in Londonderry, June 16, 1813. His wife and he are both buried in the "Folly" burying ground.

A more active adventurer than Alexander McNutt has perhaps never been seen on the American continent. He conceived great schemes, and showed remarkable energy in prosecuting them, but he seems to have been constitutionally unbalanced, and after tracing him carefully through the various stages of his checkered career we are forced to the same conclusion concerning him that Lieutenant Governor Jonathan Belcher arrived at as early as 1761, that he was from first to last "an erratic individual, lacking in mental ballast, and one whose proposals needed to be watched."[63] Where he managed to get sufficient money to travel as much as he did in the enthusiastic pursuit of his schemes we can hardly see, for he belonged to a family that must have been comparatively poor, and from the first he was evidently depen-

62. Martin McNutt, cooper, and his wife Rebecca (Stewart) were the parents of Rev. Arthur McNutt, a well known Wesleyan minister in Nova Scotia.

63. Archdeacon Raymond's first monograph, p. 73.

dent chiefly on his own exertions. The great expense he claimed to have incurred in bringing settlers to Nova Scotia was, however, undoubtedly largely met by North of Ireland shipping merchants whom he had managed to interest in his projects, and most likely in part by his emigrants, from whom he probably exacted head money, but we know that he was often unable to pay large bills he had contracted, and it seems quite certain that he was occasionally forced to borrow of men with whom he had business relations. At one period of his life in Nova Scotia he was evidently appropriating timber that did not belong to him, and it is possible that by means of vessels trading between Port Roseway and Boston he and his brothers and his nephews may have been able to establish some little general trade on the Shelburne shore. As to the honors claimed for him by Virginia historians, we have shown that these were for the most part imaginary, and as we have intimated, the most reasonable explanation we can find of the stories of them that came into circulation in the region where he spent his last years is that he characteristically invented them himself.

APPENDIX

CANADIAN ARCHIVES, SERIES M, 466, PP. 16-35

B. T. N. S., Vol. 121, N. 108, 1766, 30 Augst.

"The Committee of H. M. Council, appointed to examine into the facts stated in the memorial of Colonel Alexander McNutt addressed to the Rt. Hon. the Lords Commissioners for Trade and Plantations dated the 17th of April, 1766, transmitted by their Lordship to His Excellency Governor Wilmot, and laid before H. M. Council by the Hon. Michael Francklin, Esqr., Lieut. Governor of the Province on the 26th inst. Having deliberately and maturely considered the several Allegations and examined into the particular facts therein asserted, do report vizt.

"That His Excellency Governor Lawrence issued a proclamation dated the 12th of October 1758 (as Colonel McNutt sets forth) for the settling the vacated lands in this Province.

"That being found Necessary to declare the terms on which the same would be granted another Proclamation of the 11th of January 1759 was publish'd and transmitted to Thomas Hancock Esqr. then Agent for this Government at Boston.

"That in Consequence of those proclamations many Commit-

tees Appointed by Persons in the Colonies proposing to settle themselves on the said Lands came to Halifax early in the Spring of the year 1759, who were sent at the expense of Government to view the Lands intended to be granted, and on their return to Halifax, a contract was made with those Committees for the introduction of twelve Thousand Inhabitants in three years from the date of their Grants, in the following Townships, Falmouth, Horton, Cornwallis, Annapolis, Granville, Cumberland, Amherst, Sackville, Truro, Onslow, Liverpool, and Yarmouth, an Account of which was transmitted to the Lords Commissioners of Trade and Plantations.

"That the Contracts above mentioned were made previous to any Application to Government by Colonel McNutt and many Thousand Inhabitants are now settled in consequence thereof, in which Colonel McNutt had no Merrit or concern whatever.

"That in the Month of August of the same year, Colonel McNutt arrived at Halifax & applied to Governor Lawrence for Grants of Land for Himself and sundry persons his Associates, and obtained a reserve or large tract of Land for that purpose, which appear by a Written engagement of Governor Lawrence's to have been one Township at Port Rosaway, and six Townships in the District of Cobequid, and on the Shubennaccada River, with leave to settle Families on Thirty-five Rights in the Township of Granville in consequence of which in the Spring following He produced a List of Six Hundred Subscribers being persons of the Colonies who had engaged with Him to settle those Lands, but of those Six Hundred Subscribers, Fifty Families only came into the Province who were transported Hither at the expence of Government, had Lands assign'd them in the Township of Truro and were supported there two years, with an additional expence to Government of building Forts and Barracks for their Security and Troops were sent for their Protection & lately five Hundred pounds of the Provincial Funds has been expended, for opening Roads of Communication from Halifax to those Settlements, without One Shilling expence to Col. McNutt.

"That no care was taken by Colonel McNutt to Settle Families on the vacant Rights at Granville in the Time Limetted for that purpose, therefore those Rights were assign'd to Substantial Settlers from the Colonies, that He also neglected to send a sufficient number of Inhabitants to settle on the resedue of the Lands reserved for Him, at Cobequid and the Bason of Minas, and the Terms of Agreement being exposed, the Government have granted some of those Lands to other Persons, but Coll. McNutt has obtained Grants for Himself and Associates of One Hundred and Fifty Thousand Acres, part of that reservation to

be hereafter settled, also the Township of Truro and London-Derry, other part of the before mentioned reserve consisting of One Hundred and Fifty Thousand Acres more, on part of which are settled some of those Persons He has already introduced.

"That in October, 1761, Colonel McNutt arrived at Halifax from Ireland with about Two Hundred and Fifty Persons a very unseasonable time in this Climate for Seating them on their Lands, and as most of them were indigent People without means of Subsistance they clearly remained at Halifax the ensuing Winter, and were supported by the Government the Charitable Contribution of the Inhabitants, and some Provisions borrowed by Colonel McNutt from the Government for which he still stands indebted.

"That early in the Spring 1762 a contribution was actually made by the Council and Principal Inhabitants of Halifax, for the hire of a Vessel to transport those indigent People and their Families, to the District of Cobequid where the best Lands, and greatest Quantities of marsh in that part of the Country were Assigned them also to furnish them with Provisions out of the Provincial Fund and without One Shilling expense to Colonel McNutt.

"That in August [It was November], 1762, Colonel McNutt arrived at Halifax from Ireland, with about One hundred & Fifty Persons more, and was much dissatisfied that the then Lieut. Governor would not Grant them Lands on the Terms Stipulated between the Lords of Trade and Him, Nevertheless the Settlers had Lands Assign'd them at Le Have on the usual Terms, and were transported for [from] Halifax to their Lands, and furnish'd with Provisions for the Winter at the expence of Government without One Shilling expence to Colonel McNutt.

"That in consequence of His Majesty's Instruction to the Governor of this Province dated the 20th of May, 1763, Lands have been since Granted to all such persons as were introduced by Colonel McNutt, on the Terms formerly Stipulated between the Lords Commissioners of Trade and him.

"That after enquiry we cannot find any Agent Colonel McNutt ever had at Halifax unless he means some one of his Creditors of whom he borrowed Money, and at His going away deposited in His Hands Sundry securities that He had taken from the Settlers He brought into this Province for the Payment of their Passages.

"That from Colonel McNutt's return to England in 1762 He never came into this Province till the year 1765, when he arrived again at Halifax from Philadelphia, and then produced to the Government sundry lists of Persons in the Colonies associated

together with a design of making Settlements in this Province, & was then accompanied by several Gentlemen of ability of Philadelphia who came in behalf of themselves and others concern'd in those associations to view the Lands in the Province, and to apply for Grants, who informed the Government that Colol. McNutt had assured them that His Majesty's Instruction to the Governor of Nova Scotia dated the 20th of May, 1763—directing the Terms of Settlement to be granted to the Settlers he had introduc'd into this Province from the Kingdom of Ireland included them and all others whom He should introduce and promised that they should have Lands on those Terms which was not only deceiving those people, but also created many Difficulties for the Government Here, and those Gentlemen declared they would no further concern with Colol. McNutt and accordingly made their applications to Government for Lands, without taking any Notice of Him. Notwithstanding which the Government in consideration of Colol. McNutt's apparent zeal for settling the Vacated Lands of this Province & as they conceived it might in some measure primarily be owing to him that these Associations were entered into for that purpose and that the procuring such a number of Inhabitants of Ability was a great Acquisition to this Infant Colony, they thought it but just and right to have Colonel McNutt included with each & every Association wherein he appear'd to have been any way concern'd and his Name was accordingly inserted in the Grants made to them of about Sixteen Townships.

"That another Association from Philadelphia who had contracted with the Government to settle a Township at Sepody sent a ship about this Time with Twenty-five Families agreeable to their contract seated them on their Lands furnish'd them with Stock, materials for Building & Farming and have supported with Provision ever since in which Colonel McNutt had no kind of concern whatever.

"That in the same year a Vessel arrived at Halifax from Ireland which brought about Fifty Persons chiefly belonging to Families before introduced and settled by Colonel McNutt, and we know of no other Embarkation of Settlers whatsoever, made by Colonel McNutt notwithstanding He asserts to have introduced in several Vessels, several Hundred Families about this time.

"That the measures complained of by Colonel McNutt practised by this Government which he says has obstructed the settlement of the Province, have been Conformable to His Majesty's Instructions, and directions from the Lords Commissioners of Trade & Plantations except in the Terms of those Grants made

to Him and His Associates, where the Government departed from those Instructions and directions in order to favour & Encourage him and his undertaking.

"That those Grants of Twenty Thousand Acres made to sundry persons of which Colonel McNutt complains, were made in consequence of their Petition to His Majesty, and laid out at their own expence, under the direction of the Chief Surveyor, in such parts of the Province as they chose, and were intituled to, by the Tenor of His Majesty's order to the Governor of this Province, and under the Terms and conditions therein prescribed, but not within the limits of any of the tracts of Land reserved by Governor Lawrence for Colonel McNutt or any other Person, and notwithstanding, His Majesty was graciously pleased to allow them ten years for the first period of their Settlement nevertheless upon the Grants being passed to those Gentlemen One of the Grants was immediately employ'd to procure protestant Families from Germany to settle on those Lands, and a very considerable Sum of Money was advanced for that purpose and the Settlers are now daily expected.

"That in July 1765 Mr. Green Commissary of Provisions for the Garrison of Fort Frederick on the River St. Johns acquainted Governor Wilmot that the Indians were assembled near the Fort in great numbers, and had given out that there was several French Ships of War on the Coast and that they should soon commence hostilities, and immediately after several reports were sent to the Governor from other parts of the province to the same purpose, upon which the Governor thought it advisable to send expresses to those parts of the province where it was most likely to discover the truth of these reports, and as several of the Deputy Surveyors (being persons best acquainted with the course through the Country) were sent on this Occasion, Orders were given them to make Surveys of the Land they passed over, which they perform'd and of the Land so survey'd Two Hundred Thousand Acres was Granted to Colonel McNutt and His Associates.

"That the great expence incurred by Colonel McNutt in pursuing His Scheme of making Settlements in this Province, cannot be charged to any obstruction he met with from the Government Here in any respect, nor can we tell how it arose, that Colonel McNutt tho' often called upon for that purpose never produced Vouchers for the expendature of One Shilling except He means some Accounts from His Agents, not signed by them, and otherwise very blind and imperfect wherein He is charged with the Hire & Damage of those Vessels that transported the few families He introduced from Ireland, and the Money advanced for

sundrys by His Account was idly expended in bringing & hiring Vessels to coast about the Province in search of, and surveying Lands, in so much that His Associates made great complaints and protested against his Measures and refused payment of the Bills drawn on them for that expence as they found he was or might have been furnish'd from the Surveyor's Office at Halifax, with everything sufficient to answer all His and their purposes.

"That the Obstruction Colonel McNutt complains of from the Rulers in this Province since the Death of Governor Lawrence, have proceeded from his own intemperate Zeal & exorbitant demands from the Government were by His Majesty's Instructions forbid to Grant in all other respects having had that Indulgence and kind treatment from the Government that any reasonable Man could desire, not on Account of His Knowledge or Ability, but from a hope the Government had that His Zeal and application to make Settlements in this Province might be a means of inducing men of much more knowledge and ability than Himself to become Inhabitants in it.

"That the remarks already made on the expence incurred by making these Settlements to Colonel McNutt may be sufficient yet we must observe further on that head that the proportion of Land stipulated to be given Him by the plan settled between the Lords Commissioners of Trade & for him for His trouble and expence in introducing Settlers into this Province, has been granted to him by the Governor and Council in such tracts of Land as He himself chose and fixed upon.

"And we could wish that the greatconcern Colonel McNutt expresses, at being under the nesessety of mentioning anything in the least tending to the disadvantage of any Man's Caracter, had in any degree prevented his departure from Truth & Decency, his reflections on that head being altogether without either.

"That Colol. McNutt complains, that the Settlers introduced by Him have been denied several of the Privileges promised and granted to them, but We know of no Persons who are deprived of those Rights and that Liberty, which the Laws & Constitution of Great Britain, or of this Province intitle them to.

"Upon the whole the Committee of His Maesty's Council are of Opinion that the Memorial of Colonel Alexr McNutt address'd to the Lords Commissioners for Trade & Plantations, is almost, and altogether, false, and scandalous, that the facts are misrepresented & his complaints without Just grounds, that His proposals in the Latter part of His Memorial, are Presumptious, that several of them if granted would be very injurious to Private Persons, as He proposes to disposses many of those Grantees of the

Conditions contained in their Patents, which they obtain'd by Vertue of the King's Order, or by His Majesty's Proclamation making provision for disbanded Officers, Soldiers and Seamen, and of their Lands also, unless they submit to the new Terms proposed by Him.

"That other of His proposals would if Granted be highly prejudicial to the peace and good Government of this Colony, particularly that of sending two Members to represent the people in General Assembly, from each Town He settles, more especially should those He may hereafter introduce into this Province be of the same troublesome disposition with the few He has brought, The Government Here having experienced more difficulty in Keeping peace and good order in the Two little Towns of Truro and Londonderry settled by Colonel McNutt's followers, than with all the other Settlements in the Whole Province, they being mostly composed of Persons from the Charter Governments who still retain so great a degree of republican principals that they make it a point to oppose on all Occasions every measure of Government calculated to support the Honor and Authority of His Majesty's Crown and Dignity. The dangerous Influence of which Spirit cannot be too much garded against as the late unhappy disturbances in America more than abundantly prove.

"That the Laws of Great Britain, & the Laws of this Province sufficiently secure the Rights Civil & Religious of all His Majesty's Subjects in it, and the Committee cannot conceive what inducement Colol McNutt had to suggest, Assert & propose the several matters contained in His Memorial as we find from the matter of fact inquired into, that the Government here have promoted, & forwarded His undertaking to introduce Settlers into this Province, by every means in their Power, and flattered themselves that He was employing His Time in collecting Persons to fulfill His engagements.

"Halifax 30 Augt. 1766

Endorsed:

Report of the Committee of the Council of Nova Scotia on the Memorial of Mr McNutt

In Lt Govrs Letter of 2. Sept. 1766.

Read Novr. 6. 1766.

N. 108."

Josiah Stoddard Johnston

An Estimate

BY JOHN HOWARD BROWN

In the *New York Times* of Monday, October 6, 1913, we clip the two notices as follows: In the column of "Deaths" "Johnston.—Col. J. Stoddard, Saturday, October 4, in the 81st year of his age. Interment at Louisville:" and under "Obituary Notes:" "Col. J. Stoddard Johnston, father of George W. Johnston, an insurance broker at 55 Liberty Street, died on Saturday. He was 81 years old."

That the *Times*, always so careful in preserving the records of notable men of national reputation in their "Obituary Notes," should have given so scant space to a man who has filled so large a place in the history of Kentucky and incidentally in the history of the Civil War, is a matter of regret. As the story of his life is so full of historical interest we append it to round out the simple notices.

JOSIAH STODDARD JOHNSTON was born in Rapids Parish, Rapides county, La., February 10, 1833. His parents, John Harris and Eliza Davidson Johnston died when he was a mere child and he was cared for by relatives in Kentucky who gave him all the advantages of a liberal education. He was graduated at Yale College in the class of 1853 and then pursued a course in law at the University of Louisville, where he was graduated LL.B. in 1854. Instead of devoting himself to the practice of law he took up cotton planting in Arkansas, where in co-partnership with his father-in-law, George W. Johnson, he conducted a large plantation for five years, when the advent of the Civil War called him from his peaceful vocation, to the defense of his home and property. He joined the Confederate Army and was a participant in twenty or more battles and skirmishes during the progress of the war, serving as an officer on the staff of both Bragg and Buckner and as chief of staff of Gen. John C. Breckinridge. On the surrender of the Confederate army in 1865 he returned to Kentucky and became interested in the political welfare of the state, serving as secretary of the Democratic State Central Committee,

1866-86, meantime holding the office of chairman of the committee on several important occasions. He was adjutant-general of the state, 1870-71; secretary of state of the commonwealth, 1875-79, and an unsuccessful candidate for the nomination for governor of Kentucky before the convention of 1875. He edited the *Kentucky Yeoman,* published at the state capital, 1867-86, and was president of the State Press Association, 1870-86. He was a member of the Filson Club, of Louisville, up to the time of his death, holding the office of vice-president for several years. He became a writer of established reputation not only in the field of politics but in that of history, genealogy and biography. He was selected as one of the honorary pall-bearers at the funeral of Jefferson Davis at Richmond, Virginia, in 1889. In 1895 he issued in two volumes a "Memorial History of Louisville," in 1898 "First Explorations of Kentucky," with journals of Dr. Thomas Walker, 1750, and Christopher Gist, 1751," and in 1898 "Confederate History of Kentucky." He was married June 13, 1854, to Eliza, daughter of Gov. George W. Johnson, the first provisional governor of Kentucky, elected by the Russellville convention in November, 1861, and mortally wounded on the battlefield of Shiloh, April 6, 1862, while fighting as a private soldier in the 4th Kentucky regiment, commanded by Lieut. Col. A. R. Hynes and attached to the First Brigade, Col. Robert P. Trabue, in the Reserve Corps of Gen. John C. Breckinridge, in the Army of the Mississippi, Gen. Albert Sydney Johnston, and he died in the hospital at Shiloh, Tenn., April 9, 1862. Josiah Stoddard Johnston died in Louisville, Kentucky, October 4, 1913.

Eleazer Williams and the Prince De Joinville

CONTRIBUTED BY DUANE MOWRY, LL. B.

With Biographical Sketches of Rev. Eleazer Williams

BY JOHN HOWARD BROWN

Eleazer Williams American Missionary, was born or appeared in Caughnawaga, a settlement in the wilderness of what became Montgomery county, New York, on the Indian trail from the headwaters of the Mohawk river to Fort Stanwix and thence to Lake Ontario; Fort Stanwix being the carrying place of the canoes and their cargoes. In this wilderness was the hunting grounds of the Iroquois and a half-breed Indian chief named Thomas Williams claimed the boy Eleazer as his son. It was known that Chief Thomas was the son of a white woman, Emma Williams, an English woman of good family. There arose at the time no doubt as to the legitimacy of the boy as Chief Thomas's son, although he bore no resemblance to his other children, either facially or in point of intellect. The date of the boy's birth was given as about 1787. He grew up in the wilderness and was sent to school at Long Meadow and at Westhampton in Massachusetts where he learned the English language. Before this time he spoke the French language fluently and was also versed in the language of the Iroquois Indians. The War of 1812 first brought Eleazer Williams to public notice through his unsfulness to General Dearborn as an agent among the northern Indians in New York state and Canada. In 1813 he published an Iroquois spelling book and in 1813-14 he published "Caution Against Our Common Enemy." He was present at the Battle of Plattsburgh, Lake Champlain, Sept. 14, 1814, and while carrying out a ruse to drive off the British he was severely wounded. At the close of the war he began missionary work in Western New York, and was received in the Protestant Episcopal Church as a lay-reader among the Oneida Indians. When the Indian tribes, making up the six nations of New York state, were allotted new hunting grounds in Wisconsin territory in 1820, he went with the Oneidas to the Indian reservation at the head of Green Bay and the Fox river. He continued his ministrations there and was ordered a deacon and ordained a priest and became familiarly known in the region as "Priest Williams." He lived in a house in the village of De Pere in Brown county where he had been allotted a grant of land which he cultivated. This with the pittance he received from the church as a general missionary gave him a meager livelihood. He married here a French half-breed. She claimed to have been related to the royal family of France. This alliance and his own general character and life, which was undoubtedly exemplary, drew a sharp contrast with his poverty and humble surroundings in the new settlement, as he appears to have mingled little with the white settlers. His reticence appears to have broken about 1840-41 and he announced that he had met the Prince de Joinville son of Louis Philippe on a steamboat, and announced to him that he, Eleazer Williams the Protestant Episcopal priest was Louis XVII. and that he had been born at Versailles, France, March 27, 1785, and was reported to have died June 8, 1795, but in reality had been

taken from the Temple where he had been held a prisoner and carried to Canada where he was placed in the care of an Indian chief. The prince, he said, made him splendid offers, conditional on his renouncing his rights, which it would be difficult for him to prove. From this time the Rev. Eleazer Williams firmly believed that he was the lost Dauphin, but he took no pains to spread it or to take measures to prove it. He returned to New York where he continued his office as missionary priest. He settled in 1850 at Hogansburgh, in Franklin county, New York, where be published an Iroquois version of the Book of Common Prayer in 1853, and wrote a live of his putative father, Thomas Williams, which was privately printed in 1859. *Putnam's Magazine* for February, 1853, contains a famous paper entitled, "Have We a Bourbon Among Us?" Written by the Rev. J. H. Hanson. The same tale was published in book form in 1854 under the title, "The Lost Prince." In the *Independent* of September 22, 1887, Benson J. Lorsing, the eminent historian, gave the weight of his opinion to the truth of the identity of "Priest Williams," with Louis XVII. of France. [Note 1.—An interesting historical novel founded on this subject, was written by Mary Hartwell Catherwood. and published in 1901. See also Steven's "The Lost Dauphin" (1887). Evans's "The Story of Louis XVII." (1893), and Weldon's Louis XVII. of France," 1895]. The story reproduced in this number of AMERICANA as published in the *Appletin Daily Press* Nov. 21, 1913, copied from the *De Pere News* of same month, is the latest contribution to the interesting query. The subject of the controversy died at Hogansburgh, Franklin county, N. Y., August 28, 1858.

From the *De Pere News*, De Pere, Wis.

"AT the last meeting of the Woman's club Mrs. Frances A. Dunham read an interesting paper on the early history of De Pere. We give below that part relating to the visit of the Prince de Joinville to De Pere and the Prince's call on Eleazer Williams, from the recollections of the late 'Aunt Hattie' Sharp, taken down by Mrs. Dunham in an interview with Mrs. Sharp on Dec. 5, 1904.

My father, Robert D. Stewart, came to De Pere in 1836, and built the first house on the west side of Fox river which was built by a white man. The original house was near the river, but was destroyed and my brother Joseph built his house on the same land, but nearer the road. It was about one mile from the present bridge in De Pere, and six miles from Fort Howard or Green Bay. I remember perfectly the visit of the Prince de Joinville at our house, but cannot remember exactly what year it was, (Oct., 1841). I always said that 'We had had the honor of entertaining the Prince de Joinville.' He was a young man of fine and courtly manner, so elegantly dressed and so extremely polite, I do not remember how he got to our house, but think some one must have brought him up from Green Bay. He came

from the Astor House on the east side of the river, for there was a road on that side for teams, and only a trail on the west side. It is very likely that Dan Whitney may have brought him up to the ferry, as you say that his niece told you when you were a young girl (1859) that 'he had a beautiful watch given him by the Prince de Joinville for taking him up to see Eleazer Williams.' But no one came across the river but the Prince and no one went up to see Eleazer Williams but my father and the Prince. They probably came up as far as the ferry and called for us to come over and get him, for my father kept the ferry at that time. The river was not wide then, before the dam was built, and a good hard shove would send a canoe clear across the river, or the passenger could paddle himself across. We often did this if my father and brothers were in the woods. We had a large scow ferry to carry teams across. The Prince came to our house for the purpose of getting my father to take him up too see Eleazer Williams. We always called him "Priest" Williams; and they rode up to his house in our heavy lumber wagon at once. It was a rough log house, comparatively new then, about six miles to the south of our place; where he lived with his wife, Mary Jourdain, and son John, who was a little fellow then. They stayed there for several hours, for I remember that our dinner was very late, between three and four o'clock in the afternoon, owing to their having stayed up there so long. At the dinner table the Prince seemed to feel very badly, he was very much depressed and showed it very much, and could not talk of anything else but "Priest" Williams. He asked so many questions about him, and seemed so anxious to know everything my father could tell him. It seemed to affect him so much to know that "Priest" Williams was living in such straitened circumstances, in such a rough log house, with literally no comforts of life at all. Their house was so poorly furnished, no chairs even, only stools with three legs, that they had made themselves. No carpets, no rugs and only bunk beds. I cannot remember what he said, only I know he talked a great deal about it. They were all the time talking about "Priest" Williams and the Prince seemed to feel so much his lack of everything which makes life at all desirable.

After dinner was over my father took him in the rough wagon, the only one we had, to Green Bay, and I always thought it must have seemed strange to him to ride in such a wagon, he was so finely dressed and so elegant looking. Crossing the ferry in the scow they went down to Green Bay on the east side of the river, and my father left him at the Astor House, and came home alone. He seemed to be so thankful to my father for having taken him up to see "Priest" Williams.

I always thought the Prince de Joinville thought or knew that Eleazer Williams was the Dauphin, from the way he talked at our house, and his feeling so depressed over him. It does not seem as though he could of felt that way over a total stranger.

Eleazer Williams always rode a small Indian pony, and always carried saddle bags at the back of his saddle. He invariably stopped at our house in passing, to get a drink of water, as we had a fine spring in the cellar. He would rein in his horse and call out, 'I want some of your white ale,' and we children would run down cellar, and bring him some cool fresh water from the spring. We always liked him. I thought he was a nice man, and he always seemed to be a good man. He was a missionary and we always thought he brought out the Oneida Indians to the reservation here.

He did not dress very well, for he was poor; but I remember one day he stopped at our house, and was so richly dressed in handsome clothes, and he told us that 'the Prince de Joinville had sent him a box of very nice things.' He seemed so pleased, and looked so finely. We thought the Prince must have sent the clothes he had on, but he did not say so; nor did we like to ask the question. My father always said he thought it was strange for the Prince to be so deeply interested in "Priest" Williams, because he himself, or we, had never thought of his being of so much importance.

I do not know how long the Prince stayed at Green Bay. He said to us before he left our house that he thought he would come back to Green Bay next summer, and would come up and see us again, at that time. Just think, the only persons now living in De Pere, that have ever seen Eleazer Williams are Mr. Perry Call, my husband and myself, and the only time Mr. Sharp

ever saw him, he—Eleazer Williams—was put in his room to sleep at the old 'De Pere House.' He was sour and seemed to feel cross and grumbled a great deal, about the poor room and beds. No chairs in the room, and he could not find any basin to wash in."—*Daily Press,* Appleton, Wis., Nov. 13, 1913.

History of the Mormon Church

By Brigham H. Roberts, Assistant Historian of the Church.

CHAPTER XCVI

Conditions in Utah After the Advent of the Army—The Utah Expendition as a Reforming Agency

AFTER the return from the "Move South," President Brigham Young went into practical retirement. The entrance to his house, the Bee Hive (then called his "Mansion"), and the "Lion House," were securely locked and bolted, and constantly guarded by brethren, to whom the names of those seeking admittance to the President were submitted.[1] No public meetings were held. The "Tabernacle" in Salt Lake City was not opened for public worship. Silence was enjoined; matters were to be left, apparently, to take their own course.[2] This doubtless in recognition of the fact that some times silence is more potent than speech; new adjustments even take place under its reign.

The encampment of the army in Cedar Valley was called

1. Hist. of Brigham Young, Ms., Entry for July 5th, 1858, p. 763. Commenting on these precautions, Burton says: "He has guards at his gates, and he never appears in public unattended by friends and followers, who are, of course, armed. . . . However, in the case of the Prophet, there is an absolute necessity for precautions: as Gentiles have themselves owned to me, many a ruffian, if he found an oportunity, would, from pure love of notoriety, even without stronger incentive, try his revolver or his bowie-knife upon the 'Big Mormon.'" (City of the Saints, p. 222).

2. "The Presidency are quite retired and are seldom seen. The people are in a great measure left to themselves to see what they will do. There are no public meetings, and consequently no public sacraments. The word of the Lord is seldom heard through his Prophets by the people." From a letter of Sam'l W. Richards to E. W. Tullidge, July 23rd, 1858; Mill. Star, Vol. XX, pp. 620-22. See also Hist. Brigham Young Ms. entry July 4th, 1858, p. 762-800). When Wilford Woodruff in company with Cyrus H. Wheelock solicited the privilege of holding a public meeting in the interest of the Deseret Agricultural and Manufacturing Society, "President Young informed them that he did not want meetings held on any subject. *Id.* p. 923. This must doubtless have canceled some earlier—July 18—arrangements made for preaching in the wards by Elder Joseph Young, of the First Council of Seventy, and presiding Bishop Edward Hunter. *Id.* p. 798.

Camp Floyd, in honor of the then Secretary of War. The valley is about ten miles in width and thirty miles long, through which a small stream flows southward from copious springs at the foot of the western hills, just south of which the military post was located. There was but one Mormon settlement in the valley, at the time, this was known as Cedar Fort, which had been organized into an ecclesiastical ward in 1853, with Allen Weeks as Bishop. There were about one hundred and fifteen souls at the time of the ward organization, and perhaps not more than two hundred at the advent of the army. Exposure to Indian assaults forced the settlers to live in a stone wall enclosure—part of the wall is yet standing—hence "fort" in the name.

Camp Floyd, for the most part, was formed of small, low, but neat adobe houses—between three and four hundred in number; "enough," writes Horace Greeley, who visited the camp in July, 1859—"enough to make six or eight Kansas cities"—of course of that period. Nearby there sprang into existence a suburb on which was conferred the euphonious name of "Frog Town," later, and now, Fair Field, "whence grog and other luxuries, including execrable whiskey at about ten dollars per gallon,"—wrote Greeley—"are dispensed to thirsty soldiers, who have not already drank up more than their pay amounts to." The valley was covered with sage-brush (*artemisia*) and grease wood; but the immediate camp was freed from these and made level as a floor, beaten hard by the continual tramping of the three thousand troops inhabiting it—"the largest regular force ever concentrated upon the soil of our country in a time of peace."[3] The adobes were made from bluish clay mud in the vicinity of the camp; the board roofing and other timber was obtained from the mountains east of Salt Lake valley. The total cost of building the post to government was about two hundred thousand dollars.[4]

The civil officers who came in with the army were Chief Justice Delano R. Eckles, and John Hartnett, Secretary of the

3. Horace Greeley "Overland Journey, New York to San Francisco"—1860—pp. 244-7.

4. Greeley, *Id.* p. 247. Greeley states that the adobes were made by "Mexicans," which is not true, as there were no Mexicans to speak of in the Territory. The adobes were made chiefly by the "Mormons" of "Cedar Fort."

Territory. Governor Cumming's entrance into Salt Lake City has already been detailed. Jacob Forney, Territorial Superintendent of Indian Affairs—which office was now separated from that of governor—came in with the Peace Commissioners. Judge Charles E. Sinclair arrived in Salt Lake City on the last day of July. Judge Cradlebaugh did not arrive until early in November. About the same time U. S. Attorney for the Territory, Alexander Wilson, of Iowa, arrived in Utah. He was accompanied by his wife whom he had but recently married. He brought letters of introduction from Jeremiah S. Black, U. S. Attorney General in Buchanan's cabinet, to Governor Cumming; and letters of like character from Col. Kane to President Young.[5] These gentlemen with Peter K. Dotson, Territorial Marshal, completed the list of federal officials for the Territory.

With the settlement of the army at Camp Floyd and the coming and installation of these civil Territorial officers, the Utah stage was again set for the further unfolding of those events which make up the history of Utah Territory and of the Mormon Church—which, for some time as yet, are inseparable in their historical relations.

In the first few weeks following the entrance of the army and its settlement in Cedar Valley, there were various attempts made by the army and civil officers to open intercourse with President Young and other Church leaders;[6] but such had been the strained relations between these U. S. officials of the army and of the Territory on the one hand; and the leading Church officials on the other—such the absolute difference of view point on the questions involved——such the distrust, as yet, of the Church leaders of most of the United States officials, both military and civil—that intercourse, beyond what official courtesy required, was not long attempted.[7]

5. Hist. of Brigham Young, Ms., Nov., 1858, p. 1069.

6. The day of the President's arrival in Salt Lake City from the "Move South" —July 1st—"Several gentlemen called upon him and wished to deliver letters to him personally. All such sought interviews were declined. Some would not leave their letters because they could not deliver them personally." (Hist. of Brigham Young, Ms., 1858, p. 569).

7. The general statement of the text concerning reserve in the matter of relations between the two classes spoken of should be modified by noting a few exceptions. So long as Col. Alexander and Captain Marcy remained in the Territory

With the coming of the army and the civil officers for Utah, there had been assembled those "reforming agencies" from which so much was expected in the moral regeneration of the Latter-day Saints.[8] And following within the first few months of the advent of these "reforming agencies," the people to be "reformed" were edified by the sight of an associate judge of the supreme court of the Territory frequently reeling through the streets of Salt Lake City drunk and some times helpless. So insufferable was he in this respect that Governor Cumming, who himself was not above reproach in this weakness, "was displeased with him."[9]

His court—the district included Salt Lake City—was so disgraced by these habits that it was a matter of public criticism.[10]

their associations with the Church leaders were very agreeable. The meeting of Col. Cooke with the Church leaders, as also that of Captain Bryan and Lieutenants Bristol, Rich, and Kensel, are spoken of as very pleasant interviews; "they conversed upon a variety of subjects, such as the water, wood, weather, coal, roads, the products of the earth, and the detention of the army." (Hist. of Brigham Young, *Ms.* 1858, pp. 918, 923-5). The interview between the Secretary of the Territory, John Hartnett, and President Young was not so agreeable, as the antagonism between them was very pronounced (*Id.*, pp. 916-17). Mr. Wilson, U. S. attorney for the Territory, was more diplomatic and acquired a better standing. Governor Cumming of course was in friendly relations with the Church leaders, and on the 26th of July accompanied by Mrs. Cumming went with a Mormon party of nearly one hundred in number, including President Young, his counselors, and seven of the Twelve Apostles, on a strictly private picnic excursion of several days into Big Cotton Wood Canon, where a most enjoyable time was had in song, prayer service, dancing, and feasting. (Hist. Brigham Young, Ms., entry June 26th, p. 960. Also Wilford Woodruff's Journal entry of June 26th, where a list of the male members of the party are given, fifty-two in all). No mention was made of the excursion in the *Deseret News* until the 8th of September. But notwithstanding these exceptions, the relations between the two classes of Utah's citizens named, were restrained, and finally limited to necessary official intercourse, and even this was carried on—so far as President Young was concerned—by secondary parties. (See Stenhouse's "Rocky Mountain Saints," p. 402). Also *Atlantic Monthly* for May, 1859, p. 571. Burton's City of the Saints, p. 216.

8. "The impending Expedition against them (the Mormons) is enthusiastically regarded *as holy war,* undertaken in the interest of morality and religion, intended to convert the Mormons to more correct ideas on the subject of matrimonial relations and religious truth; to break up their polygamous households; . . . or should they not be brought to reason as to these matters by the *precept and example of the new civil officers, seconded by the officers and soldiers of the army,* then to resort to the remedy of dispersing them by fire and sword." N. Y. *Tribune,* Jan., 1858.

9. Hist. Brigham Young, Ms., Oct. 27, 1858, p. 1043. *Id.*, p. 1183. "Judge Sinclair's personal influence is very much impaired, not only by the dissipated character of the clique with which he alone associates, but also by his habits of intoxication, being frequently seen lying in the street in a helpless condition. His friends have often to carry him into houses and watch over him." Letter of Geo. A. Smith to Col. Kane, date of Jan. 14, 1859, copied into Hist. of Brigham Young, *Ms.,* entries for Jan., 1859, p. 134.

10. "It is believed in this City, that Judges Cradlebaugh, Sinclair, and about a dozen others, met in the upper part of a well known liquor store, and while trying the merits of the 'Oil of joy,' which filled the ample vaults below, used their utmost

On one occasion his honor was led helpless from the ball room by his friends;[11] on another he helplessly fell into a gutter of the street while in a quarrel with C. L. Craig, an Indian agent, and drew a pistol on his adversary, and Craig drew a knife upon the judge, but both "were too drunk to do any hurt."[12] Perhaps this unfortunate weakness in the judge accounts for the act for which he is best known to fame in Utah, that of sentencing a man to be executed on the Christian Sabbath.[13]

A letter in the handwriting of Chief Justice Eckles was picked up in the streets, written to one Lieutenant Bennet, in which the Chief Justice deplores the fact that he has not been able to procure for him (the Lieutenant) a mistress as yet. His efforts in this detestable business are given in terms too gross for reproduction; but the circumstance is too well attested to admit a doubt of the fact of it.[14] Yet when the chief justice was about to depart from the Territory in the fall of 1858, a number of the civil and military United States officers for the Territory, and prominent Gentile merchants, in tendering him a complimentary dinner, envied him the satisfaction he would feel in joining his "family and friends in a *moral* and *civilized community,*" and regretted that his services would be withdrawn from the territory during the winter.[15]

streach of brain to devise some means to bring about a collision between the citizens and the army, that should end in the wiping out of the 'd—ed Mormons.' When the cogitative of each night or succession of nights [Judge Sinclair] appears on the bench, and is subjected to the criticism of the public, *its awkward appearance* often causes an adjournment to the liquor store." (Letter of John L. Smith, Chief Clerk of the Utah Legislature, 1858-9, to Stenhouse, date of Dec. 24, 1852, preserved in Hist. Brigham Young, *Ms.*, 1858. p. 1196.

11. *Id.*, p. 1203.

12. Letter of John L. Smith to Stenhouse, *Id.*, p. 1197.

13. This was the case of Thomas H. Ferguson, a "Gentile," convicted of murder, and the first white man to be executed in the Territory. See Bancroft's Utah, p. 540; also "Rocky Mountain Saints"—Stenhouse, p. 403. Of course the day of execution had to be changed.

14. Hist. of Brigham Young, *Ms.*, entry Sept. 13th, 1858, p. 966. "The ermine must rest gracefully on the shoulders of a chief justice, who employs the influence of his high position in performing his service as a ——— to provide gratification of lust to army lieutenants, and that by the [attempted] seduction of wives and mothers," remarks the chronicle. (*Id.*, p. 966). See also letter of John Taylor to Geo. Q. Cannon, date of 12th Jan., 1859, copied into Hist. of Brigham Young. Ms., entries for Jan., 1859, p. 114.

15. The letter tendering this dinner appears in the San Fransico *Bulletin* of Sept. 30th, with the names of the thirty-two gentlemen who were to give it, and is reproduced in the *Deseret News* of Oct. 27th. The letter also contained the following clause: "Your presence in Washington will do much to remove misapprehensions which seem to prevail there, and to cause measures to be *taken for the better security of the persons and property of loyal citizens of the United States*

The people of Utah were further edified by the scandalous gallantries of army officers who sought, and sometimes sucessfully, to induce women to go to Camp Floyd, there to enter into illegal and shameful relations.[16] One army officer while passing through Nephi on duty, became the temporary guest of a prominent family, and sought, by offering a considerable sum of money to a second person, to purchase the favors of the matron of the household.[17]

In addition to these "gallantries," the army was further disgraced by the shameful relations of soldiers and camp followers of the army with the Indian women of the tribes in contact with both Camp Scott and Camp Floyd.[18]

"Little Soldier." chief of the Cumumbahs, or Snake Diggers—who was camped near the soldiers at Camp Scott, details the brutality of soldiers who, entering the tents of the Indians whenever the men were absent, would lay hold of and ravish the women. The chief in consequence of these things left the camp.

Many of the squaws for their "favors" received money, which their husbands would force from them in order to buy the execrable whiskey of the camps; and as the savage knows nothing of self restraint, this ended in drunkenness. Sometimes various parts of soldiers clothing, from caps to trousers, and

who are resident in this community." This gave offense, not only to the Latter-day Saints, as being slandered by these innuendoes, but to Governor Cumming and his friends. Letters were addressed by the Editor of the *Deseret News* to the gentlemen signing the invitation, asking them to be more specific as to the meaning of the indirect charges of unsafety of persons and property in Utah. This brought statements from Secretary Hartnett and Superintendent of Indian Affairs, Jacob Forney, saying that they had signed the letter, "as many other signers of the letter referred to,—in full confidence that it was only what it purported to be, an invitation to take dinner;" and not "to cast reflection, even the smallest, on any community or person." "Nor did I suppose for a moment," said Secretary Hartnett, "that the letter was to be used, as it has been, to subserve a political purpose." (*Deseret News* of Nov. 3rd). Forney's letter is of similar import. "I had no design," he said, "to cast reflection, even by implication, on this or any other community, especially in any such an oblique manner." (*Id.* of Nov. 10th). In the same impression of the *News* is a strong editorial resenting the imputations of the "dinner letter."

16. See Hist. of Brigham Young, *Ms.,* Sept. 28th, 1858, pp. 979-80.

17. Hist. Brigham Young, Ms., entry for 25th of Dec., 1858, p. 1203, where the names of all the parties concerned, including that of the man whom the captain would have made his "Sir Panderer," are given.

18. Hist. of Brigham Young, *Ms.,* June, 1858, p. 619.

even Sibley tents were bartered for these licentious favors.[19]

P. W. Conover, whose two sons were interpreters, informed Geo. A. Smith, Church Historian, that Antero Yampants, chief, and Peteetneet, burned six squaws in consequence of their having contracted the "Mexican Dierhed"—a venereal disease.[20]

It is only proper to say, that the term "soldier" with the Indians, means the entire army *and attaches;*[21] so that it is fair to presume that most of the atrocities practiced upon the Indians, of the kind here enumerated, were the work of teamsters and camp followers, by far the worst element of the Expedition, and the least under discipline.[22] But when this Expedition was projected and accepted in the popular view as a means of "reforming the Mormons," the possibility of an evil example growing out of the assemblage of such elements as invariably attach themselves to such expeditions, ought to have been considered.

The people of Utah were further edified in the ways of "civilization" by frequent street *imbroglios* among gamblers and other camp followers and teamsters of the Expedition, amounting at times almost to riots on the streets;[23] there were also

19. Hist of Brigham Young, *Ms.*, entry for 8th of June, 1858, p. 620.

20. Letter of Geo. A. Smith to Stenhouse, copied into Hist. of Brigham Young, *Ms.*, July entries 1858, p. 761.

21. Hist. of Brigham Young, *Ms.*, entries for June, 1858, p. 620.

22. We have the assurance of Captain Burton, of the British army, however, who for some time was a guest at Camp Floyd, that "from Captain Heth" [Burton's host while at the camp] he gathered that "in former times, in Western America as in British India, a fair aborigine was not infrequently the co-partner of an officer's hut or tent. The improved communication, however, and the frequency of marriage, have abolished the custom by rendering it unfashionable. The Indian squaw, like the Beebee, seldom looked upon her 'mari' in any other light but her banker. An inveterate beggar, she would beg for all her relations, for all her friends, and all her tribe, rather than not beg at all, and the lavatory process required always to be prefaced with the bribe. Officers who were long thrown among the Prairie Indians joined, as did the Anglo-Indian, in their *nautches* and other amusements." (Burton's "City of the Saints," p. 444-5). Doubtless Captain Heth, had he included the teamsters and camp followers of the Utah Expedition within the scope of his view, could have given more recent illustrations to his guest of the associations of the kind alluded to in the passage quoted from Burton; and could give them a setting among the Mountain as well as among the "Prairie Indians." We have in mind the Steptoe command in Utah, as well as this more recent Expedition. See *ante,* chapter LXXXVII.

23. See Hist. of Brigham Young, *Ms.*, entries for September, pp. 956-7. A Mr. Cooper who had spent six weeks in Provo in the spring—until then an almost exclusively Mormon town—and had never seen a breach of the peace. In Great Salt Lake City he had seen street fights, pistols drawn, etc., etc. (*Id.*). Also *Ibid,* p. 986. In a letter to Stenhouse, under date of Sept. 11th, Geo. A. Smith said: "Christianity continues to progress with the arrival of its most able expounders

frequent armed conflicts between these elements and the police;[24] and worse yet, in some cases, prominent merchants and some army officers sided with the rowdies against the police.[25]

Prostitution reared its horrid front in the community, and its patrons were chased from the streets by the city police.[26] Editorially the *Deseret News* advised that in order to preserve the peace and quiet of the city, ladies remain at home; and that gentlemen limit themselves to reasonable hours, or at least to their legitimate walks and line of business.[27]

"The miserable howlings and demoniac yells of the midnight brawlers, maddened by the intoxicating draught," wrote

and defenders who preach by precept and example; but much to our gratification, at present, they are practising on each other. Several murders have been committed, two of which have occurred in this City; the Mayor of our city has to hold a court every day. Street fights prove rather expensive, but are of frequent occurrence. Our brethren, however, keep out of the way and they [the non-Mormons] have the fun all to themselves. Although the annoyance to the people, and drunken sights are disgraceful to the community, they are unavoidable as long as the U. S. Treasury pays the expenses." (Hist. Brigham Young, *Ms.*, 1858, p. 964). "For want of space we omit the details of rapidly increasing profanity and drunkenness, of the progress of gambling, whoredoms, etc., and for the present merely note the fights as yet most prominent. A short time past two colored 'gentlemen' quarreled in the streets; one was stabbed and the other shot dead by his antagonist. On the 9th inst. (A date, by the by, which was enlivened by five other fights between newly-arrived citizens). Longford M. Peel and Oliver R. Rucker, from Leavenworth, met and fought with pistols, in Miller, Russel & Co.'s store, Peel killing Rucker, and himself receiving three wounds from which it is not yet known whether he will recover. "As there is a fair prospect for a weekly crop of the thrilling and exciting incidents so common in the world, it is but fair to presume that news from this isolated portion of our country will no longer be quoted as 'unimportant.'" (*Deseret News,* September 15, 1858).

24. See Hist. of Brigham Young, entries for October, pp. 1025-6. *Deseret News* of Oct. 13th and 20th.

25. See case of the People of Salt Lake City vs. Dr. E. N. Covey (Ass. Army Surgeon) Chas. A. Kinkead (Merchant) W. H. H. Fall, John Mendenhall, Lieut. Sanders (of the army at Camp Floyd) for disturbance of the peace and resisting and assaulting the police of the city. *Deseret News* of Dec. 1st, 1858. "Police riots," or "rows with the police," said an editorial in the *Deseret News,* "are getting to be of weekly occurrence in our city." Under the caption—"Peace Breaking—Attack on the Police," in the same impression of the *News,* is given in detail an account of a riot in which a Mr. Kinkead, merchant in Salt Lake City, and Dr. Covey of the U. S. Army were leading spirits. "It is matter of regret," said the editorial account of the affair, "that the professors of civilization(!) and claiming to be the very essence of modern refinement, should be found among those whose orgies make night hideous and our streets dangerous." (*Deseret News* of Nov. 24th, 1858). Mayor Smoot reported the action of the police in this instance to Governor Cumming, who thoroughly sustained the "course pursued by the police with the mob, and wished they had notified him, so that he might have led the police; for it would have been better for the responsibility to fall on him than on the mayor and police." Hist. of Brigham Young, *Ms.*, Nov. 22nd, 24th, 1858.

26. Hist. Brigham Young, *Ms.*, entries for Nov., p. 1113.

27. Hist. Brigham Young, *Ms.*, Nov., 1858, pp. 1074-5.

John L. Smith, chief clerk of the Territorial legislature, in a letter to Stenhouse, "contrasts strangely with the peace which has ever before reigned in 'Deseret' ".[28] As a result of the lawlessness the police force of Salt Lake City was increased by the addition of two hundred members—four fold what it had previously been. Out of the number seven special guards of twenty men in each, were organized; and each guard group was to furnish men for duty through twenty-four hours—covering the week.[29] "Of that class of beings who burden communities with their presence and tax them with their idleness and crime," said the editor of the *Deseret News* of this period, "this city has had within its precincts, for a length of time, a legion, and the expense that has accrued in consequence of their presence and acts, to the corporation and to the county, has been more than double the amount that has been required to suppress and punish crime and support pauperism from the first settlement in the valley in 1847 to July 1858; and there have been more murders committed and more blood shed in the county within the *last eight months, than before, since its organization;*"[30] and the county was organized by the general assembly of the state of Deseret in December, 1849—nine years before.

Mormon annals do not stand alone in describing this perilous state of community life in Utah during this Camp Floyd period. "The unruly crowd of camp followers which is the inseparable attendant of an army," wrote Albert G. Brown, Jr., to the *Atlantic Monthly*, "has concentrated in Salt Lake City, and is in constant contact and conflict with the Mormon population. An apprehension prevails, day after day, that the presence of the army may be demanded there to prevent bloodshed. The Governor [Cumming] is alien in his disposition to most of the Federal officers; and the judges are probably on their way

28. See Hist. of Brigham Young, *Ms.*, entries for September, 1858, pp. 967-8-9. *Deseret News* of Nov. 24, 1858.

29. *Deseret News* of April 20th, 1859.

30. Which action was ratified by the Utah Territorial legislature on the 3rd of February, 1852. The present boundaries of the county were established by an act approved Jan. 10th, 1866.

[this in May, 1859] to the states to resign their commissions."[31]

Among the problems of those days was the discharged soldier. So long as the men were in the army and under the strict discipline of the General commanding, there was little difficulty;[32] but the soldier discharged, paid off in army warrants, —if a balance of his pay was due him, but more frequently penniless—and often made desperate and demoralized by army life, became a terror to the civil authorities who must now deal with him in his relations to the community. It must not be forgotten that many of these troops were made up of the teamsters of the expedition, taken into the army as soldiers by General Johnston at Camp Scott, and who are spoken of by one writing from within the army lines as belonging with other camp followers "to the scum of the great western cities—a class more dangerous, because more intelligent and reckless than the same class of population in New York."[33]

Every time therefore that there was any considerable number of the troops discharged by reason of their terms expiring, there was a wave of anxiety passed over the civil community. A few instances will illustrate the fact: The first companies to leave Camp Floyd were Captain Marcy's four companies of mounted rifflemen from New Mexico, and Brevet Col. Bee's command of enlisted teamsters. This in the latter part of July. These troops were marched from the Territory under their respective commanders, and hence under military discipline. Col. Bee sent for Elder John Y. Greene to act as guide for these companies from camp Floyd to Emigration Canon; the object

31. Atlantic Monthly for May, 1859, p. 579.

32. "Johnston's course of strict discipline," wrote Geo. A. Smith to Stenhouse, date of July 2, 1858, "has preserved peace between the citizens and soldiers" (copied into Hist. of Brigham Young, *Ms.*, entries for July—p. 761. "Gen. Johnston," says the same writer in a letter to Stenhouse, date of Sept. 24th, "is evidently using every exertion in his power to control the unyielding elements of which his camp is composed. Many of his officers, however, evince a bloodthirsty feeling towards the inhabitants of this country." Copied into the Hist of Brigham Young, *Ms.*, Sept., 1858, p. 976). A number of army officers in passing through the settlement of Lehi generally and without permission, turned their horses into the enclosures belonging to that settlement; and when they were asked for compensation by Bishop Evans, they damned him vigorously; "but upon presenting the accounts to Gen. Johnston," says Bishop Evans, "he disbursed them freely, and assured the Bishop that it was his policy not to infringe, in the slightest, on the rights of the citizens, which policy carries independent of his subordinates." Report to Bishop Evans. Hist. of Brigham Young, *Ms.*, Oct., 1858, pp. 1027-8.

33. *Atlantic Monthly*, March, 1858, p. 374.

being to leave the Territory without passing through Salt Lake City; and this was done.[34] Yet such was the anxiety of the church authorities; and such the uncertainty as to what might happen on the departure of these companies, that "extra companies of guards [were] posted secretly near the dwellings of the First Presidency."[35]

On the 27th of October a Mr. Miller, of the firm of Miller and Russell, told Mayor Smoot of Salt Lake City that four hundred and fifty soldiers would be discharged from Camp Floyd on the first of November; that two hundred trains to which were attached six hundred men from the east were making a determined effort to get into Salt Lake City and be discharged there. Mr. Miller had paid off through his firm thirty-five teamsters, and anything they would not steal, he would not have as a gift; and the other six hundred teamsters who would be in soon, were no better than they were." "President Young advised Mayor Smoot to see Governor Cumming and get him to use his utmost exertions to have the soldiers above alluded to marched out of the Territory, and if he refused, then have the city council get up a remonstrance."[36]

Later it was learned that the soldiers to be discharged were the "quarter master's men, who are a great deal worse" (i. e. than the ordinary soldier)—says the chronicle.[37] Governor Cumming interested himself in the matter, and presented the case to General Johnston. Captain Jefferson Hunt, of Mormon Battalion fame, and familiar with the southern route to California, was instructed by President Young to get up trains and carry discharged soldiers to California.[38] Some of the discharged teamsters and quartermaster's men bought some

34. Elder Greene "met Col. Bee's command at Dry Creek and guided them by the county road, the canal, and across the bench to the mouth of Emigration Canon, where Greene left them, and they camped several miles up the canon. Bro. Greene reports that Col. Bee expressed much commiseration and sympathy for the exposure and inconvenience endured by those who had left their homes in the 'Move South.'" Hist. Brigham Young, July entries, pp. 798-9).

35. *Ibid,* p. 799.

36. Hist. of Brigham Young, entry Oct. 27, 1858, pp. 1042-3.

37. *Ibid,* p. 1052.

38. *Ibid,* p. 1058. Hunt reported to President Young that in recently returning from southern California he met five hundred discharged soldiers en route, almost in a state of starvation. Dr. Forney the Superintendent of Indian Affairs said he was more afraid of these discharged soldiers than of the Indians. *Id.*

large freight wagons, and, because they could be bought at a low figure, some poor cattle that had just come in from the states, and thus made up a train to go to California by the southern route.[39] These arrangements combined disposed of these companies of discharged men; but ever as the circumstance of a considerable number of men being discharged recurred, there was always attendant upon it this dread and anxiety for the civil authorities.

This whole Camp Floyd epoch was a period of demoralization, greatly deplored by the authorities of the Church, but before which, for the time being, they were helpless. Many Church members, loving this present world, and throwing off the wholesome restraints of religious influence, entered the realm of license to which the times invited them. In his "prayer circle" Elder Wilford Woodruff, of the council of the Twelve Apostles,[40] according to his own account, exhorted his brethren in the following strain:

"I told them we were surrounded by the wicked * * * who were filled with wickedness and sought our destruction; that we were much exposed and should be on our guard and magnify our calling and maintain our dignity before all men as Saints of God and Elders in Israel; and not mingle with, or drink with, the wicked. If we had business with them let us do it and go our way. * * * There is silence in Zion. No warning voice in the streets or in the Tabernacle of the Lord. Every one is left to go his own way, and many are turning away from the Lord, and in this hour of temptation and darkness, it is our duty to live our religion and to set a good example before all men, and watch and pray that we enter not into temptation."[41]

Such the moral effect of the Utah Expedition upon the Latter-day Saint community. Instead of resulting in a reforma-

39. *Ibid*, p. 1060. "The teamsters are reported to be stealing about eighty mules per day from the Government. Large numbers of them are starting for California." Hist. Brigham Young, *Ms.*, entry Nov. 4, 1858, p. 1067.

40. Each of the Twelve Apostles had been accorded the privilege of organizing a number of their close and personal friends into circles for prayer, after the order of prayer followed in the temples of God; to meet in such upper rooms as they could arrange for, and there pray in behalf of the cause of God. The circles numbered in membership from ten to twenty in each. Woodruff's Circle met in the Endowment-house. (See Woodruff's Journal, entry for July 25th, 1858).

41. Wilford Woodruff's Journal entry for 1st Sept., 1858. This prayer circle system, and this admonition of the worthy apostle, discloses one of the sources of the spiritual strength of the Church in such times as are here being considered—in all times.

tion, in any betterment of manners, more respect for the government,[42] more honor for a much vaunted "Christian civilization," boastful of its enlightment, the several evil effects of its presence in Utah, here enumerated, inaugurated a period of demoralization from which the community did not recover for a number of years. Nor could the would-be "reformers" of the Saints by such agencies as this Utah Expedition be justly surprised if their hopes in that Expedition as a moral and religious crusade, were a disappointment to themselves, and excited only the ridicule and contempt of the Saints, ending in a deepened attachment for their own moral and spiritual system of life. A due consideration of the lessons of history in such matters should have taught the would-be-reformers by means of the Utah Expedition—a manifestation of force—that such an outcome was inevitable. A military force, coercion in any form, in fact, is the poorest agency for effecting moral and religious reforms. The reluctant victim, to paraphase Gibbon, may even be dragged to the foot of the altar, but the heart still abhors and disclaims the sacrilegious act of the hand.[43]

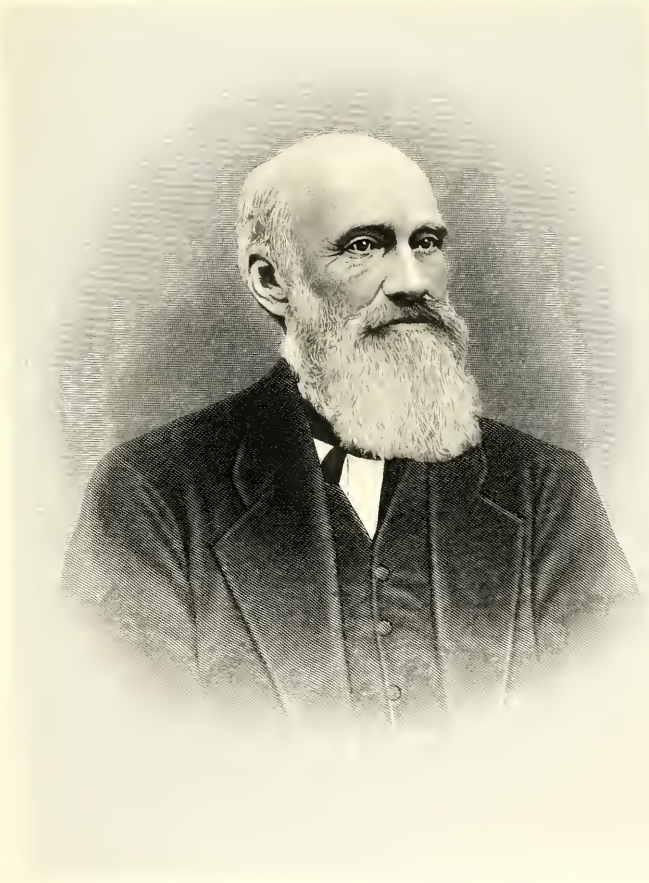
"There has been," wrote Elder John Taylor, of the council of the Twelve,—"there has been a very riotious, obstreperous and vindictive spirit manifested by our *missionary civilizers;* who, while they are utterly regardless of common decency themselves, seek to embroil us in difficulties and trouble; and provoke us if possible to commit some overt act to re-open the

42. In the matter of respect for constituted authority the Latter-day Saints were already in advance of their "reformers" in the Utah Expedition; and to this Peace Commissioner L. W. Powell bears a strong testimony, in a striking contrast he himself draws between his treatment by the Mormons and some of the officers of the army. Answering the question of Seth M. Blair, as to whether or not "any man, of any grade or calling, on any occasion, had offered to him an uncourteous word while he had been in the territory, he said 'no;' but he had been treated with the greatest respect; . . . and he was sorry to say he could not say as much for the officers of Col. Johnston's army, as he had been grossly insulted by Lieut. Col. C. F. Smith and Captain Reno." (Hist. of Brigham Young entries for June, 1858, p. 758). Col. C. F. Smith, however excellent a character as a soldier, was deeply prejudiced against the Saints. In the presence of Peace Commissioner Powell Heth and several other army officers gathered at Gen. Johnston's tent, Col. Smith made some disrespectful remarks about the "Mormons." "One of the company said: Sir, you had better beware how you talk about the 'Mormons,' as they might hear you." He said he did not care a d—n who heard him, he would like to see every d—ed "Mormon hung by the neck." "This 'damn' Smith," remarks the chronicle, "is one of the *flowers* of the Army." Hist. Brigham Young, *Ms.,* entry for June 27, 1858, p. 738.

43. Decline and Fall of the Roman Empire.

CAPTAIN WILLIAM H. HOOPER

Utah's Delegate to Congress 1859-1873.



J. W. H. Harper

wounds that have so far been healed, and cause a renewal of hostilities [and this effort will be made more apparent in the chapter following] in the diabolical hope of fattening themselves upon the prey of their victims."[44]

What could be expected from such "reform agencies" as these but failure and disappointment? Nor is it to be considered matter of wonderment if the Mormon people and their leaders justly held it in scorn. "When you get back to the states," said Brigham Young to a U. S. officer, just on the eve of leaving for the east, "No doubt you will be asked many questions about me. *I wish you would tell them that I am here, watching the progress of civilization.*"[45] This in the light of the facts set forth in this chapter, is a stinging rebuke to those who looked upon the Utah Expedition as a reforming agency that would reclaim the "Mormons" from the error of their ways.

CHAPTER XCVII

Meeting of the Legislature—The Judiciary *plus* Army Support—A Crusade

One of the first problems which confronted the new administrators of affairs in Utah was the question as to which place the legislature should meet in, Fillmore or Salt Lake City. The question was referred by Governor Cumming to Judges Eckles and Sinclair, who decided that Fillmore was the seat of the Terri-

44. Letter of Elder John Taylor to Elder Geo. Q. Cannon, date of January 12th, 1859, copied into Hist. of Brigham Young, *Ms.*, entries for January, p. 107, et seq. Relative to the purpose of those who sought to bring about the "renewal of hostilities" that they might "prey upon their victims," it can be said that at the very height of Judge Cradlebaugh's effort to incriminate Brigham Young in the Springville homicides, this passage was written of the non-Mormon merchants: "The merchants of Salt Lake City say that if they cannot get up a collision between the Mormons and the army at this time they will all be 'broke' [fail in business—be ruined] which is equivalent to acknowledging that they are at the botom of this outrage upon this people." (Hist. of Brigham Young, *Ms.*, entries for March, 1859, p. 293). This at first sight might seem paradoxical; but a collision between the Mormons and the army meant reinforcements to the army, an influx of more people, more government contracts, more business here abouts in Utah—hence the preying upon the Mormons as victims.

45. The officer was U. S. Attorney Alexander Wilson, the incident occurred when he called on President Young to announce his early return to the states on account of the health of his wife, and to offer his library for sale. See Hist. Brigham Young, *Ms.*, Aug. 22nd, 1859, p. 642. Mr. Wilson promised to report the President as above, and would nothing extenuate, nor aught set down in malice. So far as known he kept his word, as all his official reports to the federal administration bear witness. See his very numerous communications published in Senate Doc., 36th Cong., 1st Sess., No. 32, pp. 21 to 64 inclusive.

torial government, and the place where the legislature must meet; which decision seemed to appeal to Governor Cumming. Accordingly his excellency issued a proclamation for the legislature to meet at Fillmore, much against the desire of the members of the legislature, who knew that the accommodations of the little village could afford were not adequate to the needs of the assembly and its attaches; besides, the legislature of 1856 had declared the seat of government removed to Salt Lake City, which they held as valid in law. But since the Governor and the Judges decided to have the assembly meet in Fillmore, even if afterward there must be an adjournment to Salt Lake City, that course was followed.[1] The majority of the assembly, however, "not believing that the decision of the judges and of the Governor was lawful," took the precaution to meet on the 13th of December in Salt Lake City—to which place the legislature had adjourned in 1856. The respective houses organized and then adjourned to meet at Fillmore where a minority of the members (those living in the south of the Territory) met and adjourned from day to day until a majority of the members arrived, which was not until the 18th of December. On that date the two houses met in conjoint session; secretary of the

1. It is said that Governor Cumming arrived at his decision to assemble the legislature at Fillmore "without investigating the law on the subject, or consulting the members of the legislature." (Hist. Brigham Young, Ms., Dec., 1858, pp. 1152-3). This statement is an error, as the Governor seems to have had the matter brought to his attention both by conversation and written communication—wherein the law bearing on the case was brought to his attention—with members of the legislature, and notably with Daniel H. Wells (Hist. of Brigham Young, entry for Oct. 9, 1858, pp. 1004-5; also p. 1078); and still he was of opinion that the legislature should meet at Fillmore. The enabling act provided that the assembly should hold its first session at such time and place in the Territory as the Governor should appoint; and after that the Governor and assembly should locate the seat of Government for the Territory at such place as they may deem eligible, which place, however, shall thereafter be subject to be changed by the said Governor and Legislative assembly." (Organic Act, Sec. 12). Although Fillmore City had been designated as the seat of Government by act of the Governor and legislative assembly, yet by resolution, approved Dec. 15th, 1856, the same authority declared "that the seat of government is removed from Fillmore City to Great Salt Lake City, until otherwise provided by law." ("Acts, Resolutions and Memorials of the Legislative Assembly of Utah," authorized compilation of 1866, ch. 79, p. 106). This would seem to be conclusive as to authorization by law for the legislature to meet at Salt Lake City; and in fact the legislative assembly of 1857-8 had met there; and surely it was as competent for the legislature of 1856 to adjourn the legislature to Salt Lake City as it was for that of 1858 to do the same thing. One is tempted to believe that this *hocus pocus* about the meeting of the legislature at Fillmore, arose from a desire to discredit the proceedings of the previous legislature which had met in Salt Lake City—1857-8—under the authorization of the legislative resolution of 1856.

Territory, Hartnett, presented the message of Governor Cumming which was read and an adjournment taken by resolution to meet in Salt Lake City, on the 27th of December.[2]

The message of Governor Cumming was an excellent state document. It dealt quite frankly with the recently past difficulties and their adjustment, pointing out that by the acquiescence of the people in the conditions of President Buchanan's pardon all political difficulties between the federal government and the people of Utah were now adjusted. "And I trust," he took occasion to add, "that your future history will attest the sincerity of your professions of devotion to the Constitution and to the law."

He represented that the presence of the army must be felt as a reproach upon the patriotism by every honorable citizen; and yet the army could only be removed by avoiding every semblance of disloyalty, as the public opinion of the country must be satisfied of the loyalty of the people of Utah as a condition president to the army's removal. A number of practical suggestions relative to Indian affairs, to manufactures, to building bridges and jails, to revision of previous legislative enactments, to defraying the expenses of Territorial courts, to common schools, etc., etc., closed the document.[3]

Governor Cumming, as the chief executive of the Territory, made an honest effort at conciliation with the people of Utah on the basis of President Buchanan's pardon of Mormon offenses as accepted by them—pardon for their overt acts in resisting the entrance of the army into Salt Lake Valley, but otherwise

2. See Hist. of Brigham Young, Ms., entries for Dec., 1858, pp. 1096, and 1181; also Letter of John L. Smith, *Id.*, p. 1191; *Deseret News* of Dec. 22, 1858. By the decision of the judges the legislature was compelled to make this journey of about three hundred miles—the round trip—in mid-winter, having to break the road most of the distance through the snow both ways, and this for the accomplishment of no purpose unless it was in the hope of adding "mileage" to the account of the U. S. officials, or discrediting the legislature of 1857-8. Secretary Hartnett was "accompanied by a detachment of U. S. troops—infantry mounted in wagons," says John L. Smith. "An appendage," he adds, "very common for U. S. officials in this Territory. Simply designed to impress the unsophisticated 'Mormons' with a due appreciation of the dignity of federal appointees." (Letter to Stenhouse, date of Dec. 24th. copied into Hist. of Brigham Young, *Ms.*, Dec. entries, p. 1190, *et seq*). President Young suggested to brethren of the legislature, that they *"try and please the Lord without offending the devil,"* which, dauntless, paradoxical as it seems, represented the needs of the hour. (Hist. of Brigham Young, *Ms.*, Dec. 1858, p. 1147).

3. The message complete is published in *Deseret News* of Dec. 22, 1859.

denying the truth of the allegations of the preamble of the proclamation of pardon. Unfortunately the Federal Judges were not united with him in these efforts to establish peace. Chief Justice Eckles in a few months, as we have already seen, returned to the east evidently with the intention and for the purpose of influencing the administration at Washington to further acts of restriction against the Saints, or else to an enlargement of the powers of federal officers in the Territory.[4]

Judge Sinclair in his first charge to the grand jury of his district—which included Salt Lake City—directed them to give special attention to treason and to polygamy, the latter was reported to be quite prevalent in the Territory. The judge did not directly urge the finding of indictments for this latter offense; he conceded that the statutes of the Territory were a blank upon the subject; and that there was "nothing in the acts of congress that touches that question;" but he urged that the grand jury investigate and report upon the extent of the practice, that responsibility might rest where it belonged for its continuance—with the territorial legislature or the national congress. "Let the facts concerning it go to the world," was his admonition to the jury, "and, according to my reading of the law, your responsibilities and those of this court will be at an end."[5]

Respecting the crime of treason the judge was more insistant, urging that the treason must be judicially determined and the pardon personally accepted before it was effective. Of the President's pardon, "although a public fact in the history of the country, this court cannot take judicial congnizance,"[6] said the judge. With this view, however, Mr. Wilson, the U. S. District Attorney, was not in sympathy, and gave his rea-

4. See Letter tendering banquet to Judge Eckles on the eve of his departure for Washington. *Deseret News* of Oct. 27th, 1858.

5. The Judge's charge to the grand jury is given *in extenso* in the *Deseret News*, impression of 24th Nov., 1858. Bancroft says "to ask a Mormon grand jury to indict the leading dignitaries of their church for polygamy was, of course, little better than a farce." (Bancroft's Utah, p. 539). The Judge's charge to the jury discloses no such purpose; it was an attempt to call the attention of the grand jury to, and direct the investigation of, a matter of general public import—so expressed by the Judge.

6. Charge to the grand jury, *Ibid.* "In brief," says Stenhouse, "he [Judge Sinclair] wanted to bring before his court Brigham Young and the leading Mormons to make them admit that they had been guilty of treason, and make them humbly accept from him the President's Clemency." (Rocky Mountain Saints, p. 402).

sons at length to the grand jury in open court by permission of the judge. He held that the Peace Commissioners were invested with authority to carry into effect the provisions of the Proclamation—they did so and returned to their homes. The conditions, expressly set forth in the Proclamation were accepted and acquiesced in by the people of Utah, whom they concerned; the Governor of the Territory had officially announced the acceptance of pardon, with the prescribed terms, by the people, on the 14th of June, 1858; and the conditions on which the pardon had been granted had been faithfully adhered to and carried out. For these reasons the District Attorney held "that there are now no acts of sedition, treason, or rebellion against the government of the United States in this Territory;" and therefore he could present no bills to the grand jury against any inhabitant of Utah Territory for such offenses.[7] There the matter was dropped.

Sinclair's court also took up the matter of "intimidation" of Judge Stiles' court by James Ferguson *et al,* in February, 1857. The bills brought against the associates of Ferguson, Hosea Stout and J. C. Little, were dismissed, but Mr. Ferguson was brought to trial. After occupying the time of the court through several weeks, the case went to the jury, which brought in a verdict of *"not guilty;"* and thus the *cause celebre,* which had been widely used to create popular sentiment against the people of Utah, ended.[8]

In the case of Burr *vs* Ferguson, an action growing out of the alleged intimidation case in Judge Stiles' court in 1857, Brigham Young was served with a summons to appear as a witness at the instance of D. H. Burr, the plaintiff, a gentile lawyer, prosecuting the case for the disbarment of Ferguson. The service of the summons, which took place at the President's residence, created some uneasiness among his personal friends; and it exhibits the tension of feeling under which the community lived in those trying days when it is recalled that such men

7. The remarks of U. S. District Attorney Wilson are given at length in the *Deseret News* of Dec. 1st, 1858.

8. See *Deseret News* of Jan. 12th, 1859. Editorially the *News* said: "It is a pity that the United States have incurred so much expense for a matter which we have ever deemed to be no cause of action; or, if cause for any action, at least no more than a fine for contempt by Judge Stiles at the time the [intimidating] remarks were made."

as Heber C. Kimball, D. H. Wells, Orson Hyde, Orson Pratt, Geo. A. Smith, F. D. Richards and John Taylor thought it necessary to arm themselves and accompany their Prophet-leader to the court for his protection.[8½] The matter seems also to have greatly agitated Governor Cumming, who feared that in view of the treatment accorded to Church leaders before the courts in the past, Brigham Young might refuse to respond to the summons, and thereby bring on a controversy with the courts.[9] The Governor called at the President's office and proposed to accompany him to the court; and later volunteered to go to the court and inform the Judge that when "Mr. Young was wanted, he himself would introduce him."[10]

President Young asked the privilege of remaining in his office—but a short distance from the court—until his evidence was wanted, a request that was readily granted by Judge Sinclair. The case, however, was continued from the 1st until the 3rd of December, at which time President Young, not wishing to ask further favors of the court, and also to show his appreciation of the previous courtesy accorded him, walked into the court room promptly at the hour appointed for the sitting, "that no hindrance of business might be charged to neglect on his part, nor any circumstance occur to cause the judge to regret having extended a highly appreciated courtesy."[11] The President was accompanied by Gov. Cumming, his friends previously named and a number of others from his own and the Historian's office. The case was continued from time to time until finally it was taken out of court by the prosecuting wit-

8½. Hist. of Brigham Young, *Ms.*, entry for Dec. 1st, 1858, pp. 116 and 121.

9. "The court is resolved to bring out Brigham Young before it on a subpoena as a witness in the case of Burr, Gov. Cumming felt troubled about it more than anything else, fearing that Brigham Young would not comply." (Hist. of Brigham Young, Ms., entry 29th Dec., p. 1114).

10. Hist. of Brigham Young, *Ms.*, Dec. 1st, 1858, pp. 118-9. Some time before, in conversation with Judges Sinclair and Cradelbaugh, "Governor Cumming said he did not think it good policy to establish forcible measures to get Brigham Young to Court on every frivolous case; and even not at all until the character of the United States Court was better established than heretofore; for you all know damned well," said his Excellency, "that the people have not been very civilly treated in many instances by dignitaries; and during the present excited state of things, I think it would be policy to take pacific measures and not try to disturb the people any more." (Reported by A. O. Smoot, mayor of Salt Lake City, Hist. of Brigham Young, *Ms.*, entry for 29th Dec., pp. 113-4).

11. *Id.*, pp. 1120-21. The summons served on President Young by the court record was an *alias* subpoena, but what official document it was second does not appear, as no other service was attempted upon the required witnesses. *Id.*, p. 1120-1. Also *Deseret News* of Dec. 8th, 1858.

ness, and therefore President Young was not placed on the witness stand.[12]

The acquittal of Mr. Ferguson in the intimidation case was not a white-washing affair by a Mormon jury, as might be supposed, but was a unanimous verdict by a mixed jury. "Gen. Ferguson's defence," writes our chronicle of the times, "has been of a highly scientific character. The jury that acquitted him contained three of our most bitter enemies, and several who do not claim to be citizens of this country, who came here with the army, and who calculate to go away in the spring. *A unanimous verdict from a mixed jury is a denial of the charges* in Mr. Buchanan's proclamation bearing upon the intimidation of the courts and the distruction of their records.[13]

Judges Sinclair and Cradlebaugh each held that the United States District Attorney, and the United States Marshal were the proper officers to function in both the United States and the Territorial courts rather than the Territorial Attorney General and the Territorial Marshal,[14] and this notwithstanding the Territorial law provided that the latter should "execute all orders or processes of the supreme or district court in all cases arising under the laws of the Territory;" and the former should "attend to all legal business on the part of the Territory, before the courts where the Territory is a party; and prosecute individuals accused of crime in the judicial district in which he kept his office, in cases arising under the laws of the Territory." (Territorial district attorneys were to discharge

12. "That I might have been guilty, at the time referred to of contempt," said Mr. Ferguson in addressing the court. "I will not entirely deny. That every lawyer who spoke during that term ought to have been fined, I fully believe. The Judge would have been honored for doing so." (Court record, *Deseret News* of Dec. 8th, 1858). It will be remembered that it has already been noted that Geo. P. Stiles the Judge in whose court the contempt had been shown by Ferguson, and perhaps by others, was a disreputable character, and it was likely that disgust for the man led up to contempt for the Judge. See *ante*, ch. LXXXVII, this History.

13. Hist. of Brigham Young, Ms., entry for 12th January, 1859, p. 105. It was in connection with this case that the charge was made that the U. S. court records were destroyed. In President Buchanan's Proclamation of Pardon the incident is referred to in these words: "Judges have been violently interrupted in the performance of their functions, and the records of the court have been seized, and destroyed or concealed." "*Not guilty* is the unanimous verdict of a mixed jury.

14. See letter of Seth M. Blair to Senator Sam Houston, date of Jan. 15th, 1858, copied in Hist. of Brigham Young, Ms., entries for Jan., 1858, p. 130. Also court record of Judge Sinclair's court, 3rd district, *Deseret News* of Dec. 1st, 1858; and January 12th, 1859. For Judge Cradlebaugh's ruling see Court record of 2nd District, March 9th, 1859, *Deseret News* of March 16th, 1859.

the same functions in their respective districts).[15] This ruling for the time being, until it could be contested in the courts on appeal, threw the selection of both grand and petit juries and the whole machinery of the courts into the hands of the anti-Mormon party, by which the liberties of Mormons accused of crime were greatly imperiled. Moreover the judge held that the Territory should meet the court expenses of these federal officers when transacting Territorial business,[16], which would make it possible for the U. S. judiciary to prey upon the treasury of the Territory. As an illustration of this very great probability take the first session of Judge Sinclair's court, which ran through a term of one hundred days, of which there were but thirty-eight days when the court was in session; but the fee expenses of the officers, deputy marshals, jurors, grand and petit, witnesses, etc., continued through the term until discharged. It was held that the dilatory tactics of Judge Sinclair by which his court term was prolonged was to provide his retainers, transients, and loafers about the city, with the means of subsistence. "Judge Sinclair," wrote John L. Smith, Chief Clerk of the Territorial legislature, "commenced his court the 4th of October; but not continuing his term of sixty days, according to 'Banvier', he has adjourned from week to week and only sat altogether twenty-three days,[17] averaging about one hour per day. The probable design of this is to feed at the expense of the United States his juries and other officers composed mostly of strangers, who are anxious to

15. This legislation and its history have been already considered at some length. *Ante* Chapter LXXXVII. Judge Cradlebaugh held that the criminal jurisdiction given to the probate courts by the Territorial legislature was invalid. "It seems that the legislature has vested them with criminal jurisdiction to prevent the district court from having anything of the kind to do," said the Judge. . . . We say they [the legislature] have no power to do so. The fact of a person having been brought before that [the probate] court is no bar to his being brought before this [i. e. the district court]; it is no more a bar than it would be if he had been brought before a vigilance committee in California." (See Charge to Grand Jury, March 8th, *Deseret News* of March 16th, 1858.

16. See Blair's letter to United States Senator Sam Houston of Texas. Also *Deseret News* of March 16th, 1859; and Letter of Geo. A. Smith to Col. Kane, date of Jan. 14, 1859, copied in Hist. of Brigham Young, *Ms.*, entry for January, 1859, p. 132, *et seq.*

17. The court sat thirty-eight days altogether, as per former statement in the text, but only twenty-three days up to the time of the date of this letter, 24th Dec., 1858; while court continued until 18th of January following. (See *Deseret News* of Jan. 18th, 1859).

procure the means of subsistence until they can get away."[18]

Referring to the probable disasterous effects of these rulings upon the Territorial treasury, Geo. A. Smith, writing to Col. Kane, said:

"The U. S. court in this district closed its first case on the 11th inst. after a session of 38 sitting days, and occupying the time of 100 days. The court is authorized to expend six days of its session, or so much of it as may be necessary, to accomplish U. S. business; but by prolongation, the marshal is enabled to deplete the treasury, and to sustain some of the strangers who are in the country. However correct legal men may regard this course of wasting time, the citizens look upon it as a species of ridiculous loaferism.

"It is rumored that the Judge has adjourned court for want of expense money. court expenses will undoubtedly be a very sore item in this Territory, if the Judges and other imported officers make an onslaught on the county treasuries similar to what has been before attempted here by the U. S. Judges on the national treasury. The expenses of one term of Judge Drummond's court here was more than four times the amount of the whole territorial revenue.

"These expenses were contracted under the act authorizing the first six days of the term, or so much of it as might be necessary, to be devoted to the transaction of the U. S. business. With a single exception, the Hon. Z. Snow, all the judges who have been sitting in this Territory, have pursued a similar course, saddling upon the federal treasury claims to the amount of nearly half a million. Rich and proverbially liberal as Uncle Sam is acknowledged to be, he has refused to pay these court

18. Letter of John L. Smith to Stenhouse, date of Dec. 24, 1858, copied into Hist. of Brigham Young, *Ms.*, entries for Dec., 1858, p. 1194. Relative to the whole course of Judge Sinclair, Geo. A. Smith, writing Elder Asa Calkings, President of the European Mission, under date of Dec. 24th, 1858, said: "The court for the Third Judicial District, in this Territory, has been in session since November 1, but has actually sat only twenty-three days, averaging one hour per day, and has done little or no business. The transverse jury has never been sworn. Judge Sinclair has made every effort in his power to rake up all difficulties cancelled by President Buchanan's general amnesty. The Judge has ruled that the U. S. Marshal and his Deputies are the officers of the courts in all Territorial cases, thereby setting aside the sheriffs of all the counties, the territorial attorneys, and other officers. This ruling is in direct violation of the law and of all precedents in any of the Territories of the U. S. for the last sixty years, or since the days of John Adams, at which time the Territory of Kentucky, in the face of similar ruling, was about to rebel against the U. S. Government, and join the Spaniards, but was prevented by the Government conceding the point. Judge Sinclair's decisions abrogate the principle of the Nebraska law, and are a direct infraction of the Constitution of the United States, leaving the people of this Territory in worse than colonial vassalage. The U. S. Supreme Court in Washington will no doubt rectify these matters, but it will take some time and impose considerable expense." (Copied into Hist. Brigham Young, *Ms.*, entries for Dec., 1858, p. 1187-8).

expenses, and the paper certified by the Judges as necessary and reasonable in amount is not worth three per cent. If Judge Sinclair and his drunken clique expect the counties to furnish at the ratio on which the federal funds have been expended since he opened court, they will find themselves drawing upon an empty box.

"In this barren country fees of courts must necessarily be low, and loyal service rendered cannot meet with that ample reward which the old and wealthy states of Pennsylvania, New York, Virginia and Ohio can afford to pay.

"It is very annoying to a community to feel sensible that every act of the court that has jurisdiction over them, is a step towards placing them in an unfavorable position before their fellow countrymen. But while whiskey presides in our judicial halls, we expect the streets will be 'icy,' and the reports unfavorable.

"If the members of the Legislature ever make the attempt to furnish funds for these courts to expend on the ratio on which the U. S. court has been expending in this district for the last four months, every member voting for such an appropriation would be sure to find it his political grave; while his constituents would stand a fair chance of being sold out for taxes."[19]

Throughout the course of Judge Sinclair was despicable. He threatened that when his court convened in the ensuing May term, for 1859, he would have three-fourths of the army at Camp Floyd quartered in one of the public squares of Salt Lake City, "ready to carry out his orders;" and in every way manifested a disposition to bring on a collision between the army and the people.[20]

19. Letter copied into Hist. of Brigham Young, *Ms.*, entries for Jan., 1859, pp. 133-5.

20. "The speculators still seem determined to let no opportunity slip to create a 'muss.' There are strong rumors that Judge Sinclair is about to bring a large detachment of troops to this city to convince the inhabitants that he really is a much more important personage than they have any idea of." (Letter of John Jaques, Assistant Church Historian, to Stenhouse, date of April 22, 1859, copied into Hist. of Brigham Young, *Ms.*, entries for April, pp. 370-1).

A Salt Lake correspondent of the N. Y. *Herald* wrote his paper on the 23rd of April as follows: "In my last letter I informed you of the threat of Judge Sinclair that he would hold court in this city during May, with three-fourths of the army now at Camp Floyd, quartered in Union Square, ready to carry out his orders. The apprehension of a collision which that threat inspired measurably died away in the bosoms of the people generally, and the youthful Judge was beginning to get credit for ideal braggadocia, and his tongue was regarded as having divulged what was in his heart to do, if he only could get the chance; but, alas! the day after the departure of the last mail from here, rumors of his intentions were in circualtion at Camp Folyd, which leaves us no reason to doubt that his threat was no idle boast, but is in reality the fixed determination of his heart, to lead to a collision between the citizens and the troops. Of this Governor Cumming is apparently fully con-

Of the judicial procedure of Judge Cradlebaugh, in the second judicial district, I have already spoken, in part, in connection with his attempts to secure indictments against supposed perpetrators of the Mountain Meadows Massacre, and the Parrish or Springville homicides committed within his judicial district.[21] The effort to bring to the bar of his court the perpetrators of the above named crimes was an act in itself worthy of all commendation, for they were atrocious crimes; it was the judges methods only that are open to criticism. He organized his court on the 8th of March, at Provo. On application to Gen. Johnston a detachment of one hundred soldiers was detailed to attend upon the court, commanded by Captain Heth, the officers being given headquarters in the building used as a court house,—a seminary school building—in a room immediately under the one occupied by the grand jury; while the troops were tented on the seminary block. The Judge conceded that the presence of the troops was an unusual thing, but he regarded their presence as necessary to take care of the prisoners—as he had heard there was no jail at Provo—and to "preserve the peace."[22]

Twelve days later the number of troops was increased by an additional detachment of nine hundred men[22] under command of

vinced, as also the other officials outside of the judicial clique. By the departure of the next mail, plans will be better developed, if not even then carried into execution, or at least attempted; and should you then hear of the eagerly-sought-for collision having taken place, it can be witnessed that we have not sought it, but that it is the deep-laid schemes of sutlers, degraded judges, and disappointed officers of our great republican army, for the sake of perishable gold, gratification of personal revenge, and the empty glory of swords to be crimsoned with the blood of fellow-citizens." (See New York *Herald* of 25th of May, 1859).

21. *Ante* Chapter LXXXVI, this History.

22. *Deseret News* impression of March 30th, 1859.

"Some United States troops are here. Perhaps it is an unusual thing for them to be here. I knew that there were those who were guilty, out by the camp, and also that there were many guilty around here, of numerous offences. I was informed that there was no prison here, and those troops were sent by the commanding General, at my request, to take care of the prisoners now in custody, and not to interfere with any one. They are here to take care of and preserve the peace. If prisoners are brought they will be taken care of, and the whole authority of the troops is to detain those persons in custody that may be taken prisoners, until they are called for by the court, and they have no power beyond that." (Court Record, 2nd District, Judge's Remarks to the Grand Jury, *Deseret News*, March 16th, 1859).

22. Judge Cradelbaugh remarked: "I wish to call the attention of the public to a letter which I received yesterday from the commanding General. *He has seen cause to send an additional number of troops here* (*nine hundred*), and he desires that I shall state to the court that they are not here to interfere with the citizens of the Territory, unless the conduct of the citizens should make it necessary that such interference should take place in self defence. The commands sent over are

Major Paul. Eight companies comprised this second detachment; a company of artillery, and one of cavalry, added to its efficiency. The detachment camped within sight of the court house.[23]

This unusual and unnecessary display of military power in civil affairs was vigorously protested by the people of the second judicial district. A respectful but vigorous petition signed by five hundred citizens of Provo was addressed to the Mayor and city council declaring that their "feelings were aggrieved and outraged" by "the appearance of a military force" in their peaceful city, "surrounding the court and investing the halls of justice." The petition further characterized the proceeding as a "high handed outrage, a direct infringement upon the rights of American citizens and a gross violation of their liberties and municipal immunities." They declared Judge Cradlebaugh's statement that there was no jail in Provo to be an error. "It is well known to all our citizens," declared the petitioners, "that we have one, and that the civil officers, both of the city and the county, hold themselves in readiness at all times to secure and take care of prisoners." The petitioners held that the troops could only be present for one of two purposes: either the judge was afraid of his own personal safety, and the troops were there for his protection; or they were there to intimidate the citizens, witnesses, and jurors, and pervert justice. As it was impossible to believe the first suggestion, and the the officers were quartered in a room immediately under that where the grand jury met—"with only a slight ceiling between"—it looked like the purpose of the detachment's presence was intimidation. The Judge's statement that the troops were there *"to take care of the prisoners and to preserve the peace,"* was regarded—the first suggestion, as being "an attack upon the

not sent with a pretence to make an attack upon citiezns, therefore none need entertain those views. The desire of the commanding General is to aid the court in the discharge of its duty, and to bring offenders to justice. The troops come here to be within reaching distance, for the purpose of enforcing the law, and not for the purpose of violating it in any way." (Second Judicial District Court Record, March 21st, *Deseret News* of March 30, 1859).

23. Governor Cumming's Proclamation of 27th March, 1859. *Deseret News* of 30th March, 1859. Judge Black, Attorney General in Buchanan's administration, reviewing and condemning the course of *Judge* Cradlebaugh and Gen. Johnston, says that "ten companies" in addition to the first, "made their appearance in sight and remained there during the whole term of the court." Senate Ex. Doc., 36th Congress, 1st Sess., No. 32, p. 2.

fidelity of our civil officers;" and the second, "a direct insult to the inhabitants of this city." "We therefore," concluded the petition, "request your honorable body [the Mayor and city council] to order the removal of these troops from our midst."[24]

The Mayor and City Council informed the Judge of the petition of the people, and added to their representation the further statement of fact that the presence of the troops had made it exceedingly difficult for the officers of the city to preserve the peace between the unruly portion of citizens and the soldiers—several unpleasant circumstances having already occurred; and the presence of the soldiers stationed around the place of holding the court "savoring of a military interference with the municipal regulations of American citizens," the city council asked for the immediate removal of the troops beyond the city limits.

The Judge declined to comply with this request, re-affirming the necessity of the presence of the troops to take charge of prisoners, and declared that the troops were a quiet and orderly set of men. He challenged the statement of their annoying or interfering with the citizens. "This I will say, however," said the Judge, "that as soon as I can dispense with their most useful services I shall do so."

This brought forth a more vigorous protest from the mayor and city council: the city authorities had been under the necessity of doubling the police force to preserve the peace between indignant citizens and the troops; several soldiers found drunk on the streets had been arrested, and the police, "not wishing to bring a stain on the court by putting them in jail," had taken them to their quarters and delivered them to their officers; a soldier had interfered with a civil officer when the latter was quelling a street row; other soldiers "had been caught in the act of attempting to break into houses at night," said the second communication of the city council, "that can be proven by many witnesses." The army itself was degraded by the service imposed upon it by the court, said the Council—it was unworthy of the gallantry of soldiers "to use them as a county jail—a walking calaboose!" And "all experience has proven that the introduction of soldiers into cities or villages has had a

24. The Petition *in Extenso*, will be found in *Deseret News*, impression of March 30, 1859.

uniform tendency to produce hostile feelings." But most of all the protest was levelled at the usurpation of civil functions by military authority.[25] In conclusion the request for the removal of the troop was renewed.

Several other settlements of the judicial district joined with the citizens of Provo in the protest and demand for removal of the troops, but the request was not heeded. Indeed it was after the first protest to the attendance of the troops upon the court was made by the city council of Provo, that the number of troops was increased from one hundred to one thousand; and after the second protest Judge Sinclair continued to employ federal troops to execute the orders of his court.[26]

Governor Cumming himself was in Provo from the 14th to the 20th of March, and on the latter date wrote a communication to Gen. Johnston reciting the facts connected with the presence of the troops at Provo, expressing the opinion that their presence was unnecessary and asking that the troops be withdrawn from within the walls of the city and to be disposed as

25. No better protest against the usurpation of military power over the civil authority is to be found in our American annals than in the protest of the city council of this obscure town of Provo, in the Territory of Utah.

"Whatever may have been the object of clothing the court with a military escort, it has the most dangerous tendency; it usurps the functions of civil officers—performs the duties the law never designed for the army, and renders null and void the civil officers that have been appointed by law; it presents the judiciary to the people in the light of a military inquisition. The lives and liberties of all persons accused are jeopardized by the examination of witnesses and the action of jurors under the influence of a military intimidation and espionage. . . . Should such an order of things continue, we have reason to fear that the time is not far distant when witnesses will be sworn at the point of the bayonet, and the law executed by the sword. As a beginning, a single corps, highly honored for its discipline, the superior skill and scientific attainments of its officers, is placed out of its constitutional sphere to perform the duties of sheriff, marshal, or jailor, the military power then supersedes the civil, in a limited degree to be sure, but military power seldom retrogrades, and jurors are controlled by them; the court follows in the wake—that bulwark of human liberty—an independent high-minded judiciary, sustained by the people, is thus annihilated. The legislative and executive departments are soon overcome, and the sword of a Julius Caesar puts an end to the whole fabric of liberty." (These petitions, protests and answers will be found in the Court Record of the 2nd Judicial District, *Deseret News,* impression of March 16th, 23rd, and 30th, respectively.

26. "Contrary to all those principles of equity and justice that should characterize a court, it has pleased Judge Cradlebaugh to set aside, in several instances, the civil authorities and, without the least valid reason known to us, to employ federal troops to execute the orders of his court, thereby clearly indicating on his part, so far as we can discern, and utter disregard of the latest expressed views and policy of the Administration concerning Utah, and the views and policy of your Excellency and all good citizens, and a settled purpose, for some cause, to force an angry collision between the citizens and troops, which is well known is not so difficult to accomplish the best ordered town or city in the Union, especially when one class is caused to illegally supplant, taunt, and oppress the other." "(Memorial and Petition to Gov. Cumming, *Deseret News* of March 30th, 1859)."

to "relieve the inhabitants from the influence of a military encampment in their vicinity." This General Johnston declined to do, giving such interpretation of his instructions as warranted his granting a military force for special service in one as well as the other of the co-ordinate branches of the Territorial civil government, that is to say, to the judiciary as well as to the executive branch of such goverment.[27] He justified himself in the present instance in consequence of "the arrest of the Mayor of Provo and the intention to arrest the Bishop of Springville," which was likely to result in some excitment.[28]

This refusal on the part of Gen. Johnston led Governor Cumming to issue a proclamation reciting the facts involved in the case, and making a solemn protest against the present use of a military force, and also against all future movements of troops incompatible with the instructions given to him by the general government, which instructions he annexed and published in connection with his proclamation.[29]

Meantime the citizens of Provo drafted a memorial and petition to Governor Cumming, detailing the facts and showing how such a course as that inaugurated by Judge Cradlebaugh and General Johnston, violated every principle and guarantee of the settlement of the late difficulties between the people of Utah and

27. The letters of both the Governor and the General will be found in House Ex. Doc., 36th Cong., 1st sess., No. 78, pp. 18-21.

28. See Letter of Gen. Johnston to Gov. Cumming, of March 22, House Ex. Doc., 36th Cong., 1st Sess., No. 78, p. 20.

Gov. Cumming in a letter to Lewis Cass, Sec. of state, said of this incident: "Persons who had been served with subpoenas as witnesses have been arrested in court as criminals, and committed to the guard-tent. Among the prisoners was the mayor of Provo. His arrest and confinement in a guard-tent created a feeling of indignation among the inhabitants of Provo. He was released the next morning for want of evidence against him. His arrest was probably the reason why Wall [the Mormon sheriff] said he 'did not like to see the mayor treated like a dog,' and that 'it would be necessary to increase the police force to keep the boys in order.' Not the slightest disturbance occurred, however. The above-mentioned remark of Wall is supposed to have induced Captain Heth, who was the officer commanding the detachment at the court house, to make requisition upon General A. S. Johnston for an increase of force, whereupon Major Paul was ordered to march upon Provo with eight companies of infantry, one of artillery, and one of cavalry, who are now encamped in the vicinity of Provo.

"All these military movements have been made without consulting me at all. I believe them to have been made without sufficient cause. There has been no 'opposition,' nor 'any just cause to expect opposition,' on the part of the inhabitants who, so far as my information is concerned, have manifested no disposition to oppose the civil officers in the discharge of their duties." (House Ex. Doc., 36 Con., 1st Sess, No. 78, p. 22).

29. House Ex. Doc., 36th Cong., 1st Sess., No. 78, pp. 23-34. Also the Proclamation was published in *Deseret News* of March 30, 1859.

the national administration, and ended by asking the Governor to fairly and fully report to the proper department in Washington the official proceedings of Judge John Cradlebaugh in the 2nd Judicial district.[30]

Pending the appeal to the federal administration it is fitting that other procedure of Judge Cradlebaugh's court should be considered. As already stated his determination to ferrit out and bring to trial the perpetrations of the Mountain Meadows Massacre and the Springville homicides was a commendable thing in itself, but he proceeded on most unwarrantable grounds, not only in surrounding his court by a military force, but by the assumption that the crimes he would particularly punish were crimes that received community sanction, and that the perpetrators of them were community-protected. He mentioned larcenies committed near Camp Floyd, the Mountain Meadows Massacre, and the Springville homicides, then said: "To allow these things to pass over gives a color as if they were done by authority. The very fact of such a case as that of the Mountain Meadows shows that there was some person high in the estimation of the people, and it was done by that authority; and this case of Parrishes shows the same, and unless you do your duty, such will be the view that will be taken of it. You can know no law but the laws of the United States and the laws you have here. No person can commit crimes and say they are authorized by higher authorities, and if they have any such notions they will have to dispel them.[31]

After two weeks' service the grand jury not proceeding with that promptness in the special cases mentioned in his charge to

30. The Memorial in *Extenso* will be found in *Deseret News*, impression of 30th of March. Also House Ex. Doc., 36th Cong., 1st Sess., No. 78, pp. 14-17.

31. See charge of Judge Cradlebaugh to Grand Jury, published in *Deseret News* of March 16th, 1859. "Judge Cradlebaugh's address," remarks H. H. Bancroft, "was ill advised. The 'higher authorities' of which he spoke could only mean the authorities of the Church, or in other words of the First Presidency; and to condemn and threaten to impeach that authority before a Mormon Grand Jury was a gross judicial blunder. Though there may have been cause of suspicion, there was no fair color of testimony, and there is none yet [1890, date of Bancroft's work] that Brigham or his associates were implicated in the Massacre (Hist. Utah, p. 560). And to the natural reluctance that a 'Mormon grand jury' would have to proceed against religious leaders whom they knew personally, with whom they had crossed the plains and the mountains in a great pioneering journey, the further fact might be added, that bringing them before Judge Cradlebaugh's court, was bringing them, under all the circumstances, into a military encampment where there would have been slight opportunity of a fair and impartial hearing of the cause."

CEDAR VALLEY

Looking northwesterly from the site of Camp Floyd. The springs in the foreground furnished the water supply of the camp. The only relic remaining of Camp Floyd is a granite monument standing in the old iron-fenced graveyard plat, on which is a bronze tablet bearing the following inscription

In Memory of the
Officers Soldiers
and
Civilian Employes
of the army in Utah
who died while stationed
at
Camp Floyd
During the Utah Campaign
from
1858 to 1861
Whose remains are interred
in this Cemetery

Erected by the War Department.

Eaton Hall, Cheshire, the seat of the Duke of Westminster.

them at the opening of the court session, Judge Cradlebaugh summoned them into court, and summarily dismissed them "as an evidently useless appendage of a court of justice."[32] The grand jury resented this impeachment of their integrity as officers of the court, in the following manly protest:

"We, the undersigned, having been lawfully summoned as grand jurors for the Second Judicial District of the Territory of Utah; and having been summarily and insultingly discharged by the Hon. John Cradlebaugh, U. S. Associate Justice for said Territory, while in the faithful and diligent performance of our duties as a sworn inquest, do hereby enter our solemn protest against the language and conduct of the aforesaid Judge Cradlebaugh addressed and used towards us at the time of our discharge.

"We were surrounded in our deliberation in our jury room by a detachment of the army; and army officers' quarters within hearing of the evidence of witnesses while being examined by us.

"We presented indictments for offences against the laws of the United States. Our indictments were treated with contempt, and the prisoners indicted have been liberated without trial. Witnesses subpœnaed to be examined by us have been treacherously arrested, and thus have been deprived by their evidence.

"Notwithstanding being thus trammelled by the court we have honored our oath and were endeavoring to faithfully discharge our duties when we were dismissed by his honor, with a slanderous and insulting harrangue.

Provo City, Utah county,
Territory of Utah,
March 22, 1859,
John Riggs, Foreman,
In behalf of the Grand Jury."[32½]

32. See Ante ch. LXXXVI, note 46.

32½. (*Deseret News* of 30th March, 1859). It is also said that Judge Cradlebaugh further insulted the Grand Jury when discharging them by saying, "You are the tools, the dupes, the instruments of a tyrannical church despotism. The heads of your church order and direct you. You are taught to obey their orders and commit these horrid murders. Deprived of your liberty, you have lost your manhood, and become the willing instruments of bad men. I say it to you, it will be my earnest effort, while with you, to knock off your ecclesiastical shackles and set you free." (See Stenhouse, Tullidge, *et. al.*). The remarks though said to be directed to the grand jury do not appear in the published harrangue of the judge to the grand jury as corrected and revised by him. See copy of his remarks as revised *Deseret News* of March 30th, 1859, p. 26. Commenting on the speech of Judge Cradlebaugh when dismissing the grand jury, the New York *Herald* of May 7th said: "His address in discharging them is one of the most extraordinary judicial speeches which can be furnished from the records of any court in the civilized or semi-civilized world. . . . In this vindictive and most undignified speech he has

At the time of dismissing the grand jury Judge Cradlebaugh also said:

"When this people [i. e. the Mormon people] come to their reason, and manifest a disposition to punish their own high offenders, it will be time to enforce the law also for their protection. If this court cannot bring you to a proper sense of your duty, it can at least turn the savages in custody loose upon you."

The savages referred to were two Indians on trial before the court for rape and attempted rape. Their names were Pangunts, commonly known as "Moze;" and Namowah, commonly called "Looking Glass." Their crime, and there was little doubt of their guilt, was a peculiarly revolting one, since the assault was made upon a mother and her daughter at the Indian farm near Springville. The latter was a child of ten, and in her case the crime was attended by cruel lacerations which, with the accompanying brutality, caused her life to be despaired of for a long time.[33]

Yet the Judge, true to this threat, turned the parties arrested for this crime loose upon the community, saying to them when dismissing them:

"Crime should be prosecuted, ordinarily, but in looking at the constitutional rights guaranteed to you, the grand jury having adjourned [the grand jury had been summarily dismissed by the court before completing its business] the court feels it its duty to discharge you."

"With regard to these Indian prisoners," said his honor, later, "they will be kept in the care of the military authorities until they get to Camp Floyd, when they will be finally discharged."[34]

clearly shown himself unfitted for the position he occupies." On the same subject the *Philadelphia Ledger* said: "From the specimen he [Cradlebaugh] gave of his temper and fractious feeling, he evidently is an unfit person to preside over a court of justice and we do not wonder that the grand jury refused to find any bills. . . . Judges who act so indiscreetly and preversely in authority should be recalled." (Quoted in the *Deseret News* of June 1st, 1859). The New York *Tribune* was also pronounced in its condemnation of the Utah judges. See the *Tribune* excerpt copied in *Deseret News* of May 25th, 1859.

33. Letter of Geo. A. Smith, Church Historian to Stenhouse, date of March 30th. Hist. Brigham Young, *Ms.*, entries for March, 1859. To make the arrest of these two Indians it became necessary to resort to a military posse; "and an Indian, not one of those charged with the offense, was unfortunately killed." Governor Cumming's Message, *Deseret News* of Dec. 22, 1859.

34. *Deseret News* of March 30, 1859, p. 32.

Concerning this whole procedure of summarily dismissing the grand jury, U. S. Attorney for Utah, Mr. Wilson, in his report to President Buchanan, said:

"During the session of the grand jury and the sitting of the court I endeavored to investigate and prosecute all the cases which came to my knowledge, ordering subpœnas for witnesses whenever, either before the grand jury or the court, persons were mentioned by the witnesses as being likely to know anything about the cases under examination. But the session of the grand jury and the sitting of the court were too short to make a complete examination of all the cases. Had the grand jury been permitted to remain longer in session, and had the court remained in session until the business was finished, I might have been enabled to have brought the guilty parties, or some of them, to justice. But the opposition of the people to the military at the court-house, in a quiet village, in a time of peace, rendered it impossible to get witnesses, the Mormon people saying that the really guilty parties were not so much wanted as a chance to get at the Church authorities, and bring about a collision in the Territory."[35]

And concerning the Mountain Meadows Massacre, and the probable success attending upon a proper and legal method of handling it the U. S. attorney said:

"In my judgment, the best and the only practical way of thoroughly and successfully investigating and trying this case, would be for a court to be held as near the scene of the massacre as possible; and for this purpose an ample fund should be provided, such as would be fully sufficient to enable the officers of the court to make a patient and thorough search for evidence, and for the arrest of the guilty parties, and to bear the expenses of witnesses, and all the necessary contingencies which might attend the court, during any length of time that might be required for a complete finishing of the case. That this horrible massacre, through such means and a patient investigation, can be brought to light, and the guilty parties punished, I have a faith as firm as in the eternal justice of Providence."[36]

35. Senate Ex. Doc., 36 Cong., 1st Sess., No. 32, p. 37. Mr. Wilson made his report to the President, instead of to the Attorney General, because he had been assailed before the Chief Executive by two Associate Justices, Sinclair and Cradlebaugh. See Document cited at the beginning of this note.

36. *Ibid*, p. 29.

After the dismissal of both the petit and the grand jury, Judge Cradlebaugh issued bench warrants from hearings had in his chambers against parties suspected of crime; and indeed while the grand jury was still in session witnesses who had been summoned before it were arrested on warrants issued by the Judge in chambers, and this without the knowledge of the district attorney or the clerk of the court.[37]

The judge also sat in chambers as a committing magistrate, examined and bound over for future trial, A. F. Donald, Hamilton H. Kerns, John Daley, Alfred Nethercott, Abraham Durfee and Joseph Bartholomew, as the perpetrators of the Springville homicides. The judge admitted witnesses for the defense and arguments both for the prosecution and defense; and he himself gave an exhaustive review of the case. All the parties were committed without bail and given in charge of the Territorial Marshal; but later John Daley was admitted to bail in the sum of $1,000, to appear as a witness on the trial of the other defendants.[38]

Respecting these Springville homicides there has existed a persistent belief among anti-Mormons writers that they represented cases of "blood atonement," or "killings ordered by Church authorities."[39] Such evidence as is cited in the case is purely circumstantial, or rests upon the testimony of very questionable characters, who themselves were implicated in the murders. On the other hand, the commonly accepted view of the Mormon community was doubtless voiced by the editor of the *Deseret News*—Judge Elias Smith, a man of strong intelligence and of most excellent character, who, when commenting on Judge Cradlebaugh's review of the case in chambers, said:—

37. These parties were A. F. McDonald and Hamilton H. Kerns, charged with complicity in the Springville homicides. They were arrested by Marshal P. K. Dotson just on the eve of going before the grand jury on this case, and are the parties referred to in the protest of the grand jury above, of whose evidence said jury was deprived because of their arrest. (See Court Record in *Deseret News*, 30th March, 1859, p. 19).

38. Report of the U. S. Attorney for the Territory of Utah, Alex. Wilson, Nov. 15, 1859. Senate Ex. Doc., 36th Cong., 1st Sess., No. 32, p. 28. Also *Deseret News* of April the 6th, 1859.

39. See Linn's Story of the Mormons, pp. 448-50. "This particular case," says Stenhouse, "is probably the best illustration of how men are 'killed to save them.'" "Rocky Mountain Saints," Chapter XLIV, where the case is treated at length, including the alleged confessions of some who were implicated in the assassinations or were accessories before the fact.

"We have carefully examined all the evidence furnished by a remarkably accurate stenographic reporter, and can only conclude that 'evidence before the court goes to show' that *Durfee, Potter* and *two* of the Parrishes got into a row about matters best, if not only, known to themselves, and for that Potter and two Parrishes were killed."[40]

Having disposed of the Springville cases the court of the second judicial district adjourned, but not before Judge Cradlebaugh made a spiteful entry on the record which accused the whole community, as well men holding civil authority under the Territorial government as the Mormon Church leaders, of being in a conspiracy to obstruct the cause of public justice, and to cripple the earnest efforts of his court.[41] The adjournment of

40. *Deseret News* of April 6th, 1859.

41. His signed statement certified by Lucius N. Scovil, clerk of the court, will be found in *Deseret News* of April 6th, p. 40. By reference to the "civil authorities" he could only have reference to Gov. Cumming and U. S. Attorney for Utah, Mr. Alex. Wilson. The most charitable view to take of Judge Cradlebaugh and his course is to charge it, as Church Historian Geo. A. Smith does, to insanity. "The Judge has but one eye, and it occasionally manifests signs of insanity. In every address to the juries, he has made an attack on the religion of the Mormons; and it will be doubted whether his *Mormomania* is not the result of his hatred to the Mormon enthusiasm; it does not seem possible that a judge, entirely sane, would turn such desperadoes as 'Moze' and 'Lookingglass' loose to prey on the community, were not this the case. The effects of this military despotism has already reached the extreme that has caused hundreds in Utah county to leave their homes, and it is not at all probable that they will return while this reign of terror exists. By the Governor's proclamation, we are given to understand that this whole matter has been brought to pass without his knowledge, and in violation of his instructions. Angry feelings exist in the breasts of many of the officers of the army, who burn for revenge upon the people for their detention in the mountains in the winter of 1857." (Letter to Stenhouse, copied in Hist. Brigham Young, entries for March, 1859, pp. 297-8).

The theory of the Judge's *dementia*, receives support from the manner in which he acted on entering the Territory. He called at the home of "Eph Hanks" in the Mountains east of Salt Lake City on the 3rd of November. The previous night he had spent on Big Mountain, where he had frozen all his fingers. He was accompanied by a woman who claimed to be a Mormon, and a man acting as his teamster. From the Hanks ranch the judge sent on his carriage and the woman to Salt Lake City, while he himself remained with Hanks who treated his fingers for frost bite. "The judge has the appearance of being an ox driver," says Hanks in his narrative of the judge's visit to his ranch, "and was very roughly dressed." The following morning Judge Cradlebaugh started for town. "I started a short time after him," says Hanks, "and met Gen. Burr [Surveyor General for Utah Territory] and his son in a carriage. They asked me if Judge Cradlebaugh had stopped with me over night? I told them he had, and that he had started for town on foot this morning. They said they had come to meet him, but had seen nothing of him. I told them he must have taken the other road. They went on and took the other road. I rode on and overtook the judge riding on a load of wood. I told him that the carriage he had just met contained Gen. Burr and his son, who had come out to meet him. He replied, *"I do not want any of those airs, I have come here to do my duty."* As we got to the mouth of the canon we saw the carriage returning, he told the driver of the load of wood, to drive like fury and keep

the court and the retirement of its military attachment with the prisoners was quite spectacular, and is thus described in the *Deseret News* of that period:

"Immediately upon the adjournment of the court and simultaneous therewith, the troops under command of Capt. Heth commenced their march from the Seminary lot and stationed themselves in the main street. At this juncture 16 platoons of infantry, averaging from 25 to 30 in each platoon, one company of cavalry and a detachment of artillery, with two brass pieces, entered the city by the north gateway, commanded by Major Paul. They proceeded down the main street, their martial band playing the tune that goes to the well known song, 'Doo Dah.' At a point about 3 blocks south of the Seminary, they wheeled and commence their return march, the band playing, 'The Girl I Left Behind Me.' When 8 platoons of infantry had past the court house, a halt was called, and Capt. Heth's company, with the prisoners, were marched into the centre of Major Paul's command, and the grand military denouement was consummated by the whole force taking up its line of march for Camp Floyd."[42]

"After the close of the court at Provo," says John Jaques, assistant Church Historian, in a letter to Stenhouse, "the prisoners were escorted by the military to Camp Floyd, and there incarcerated in small cells. On approaching the camp, several hundred of soldiers, camp followers, gamblers, etc., met the prisoners and escort with a rush, and clamoured loudly against the prisoners, with cries of 'hang them,' 'lynch them,' etc. Capt. Heth, commander of the escort, ordered the mob back and forced a way through. Money was very scarce and consequently the inspiring spirit of whiskey was not generally diffused or it is probable that the prisoners would have fallen a prey to the mob."[43] McDonald, one of the prisoners, politely doffed his hat and mockingly said to Captain Heth *"that he supposed this was an introduction to civilization."*

out of the way of that carriage. When we got to town, he jumped from off the wood and walked among the houses. I gave him an invitation to go home with me and take supper, which he accepted. I then took him to Marshal Dotson's." (Hist. of Brigham Young, *Ms.*, November entries, 1858—1066-7).

42. *Deseret News* of April 6th, 1859, p. 36.

43. Jacques' letter is dated April 22nd. It is copied into Hist. Brigham Young, *Ms.*, entry 22nd of April, pp. 370—see also p. 374.

44. Hist. of Brigham Young, *Ms.*, entry of April 19, 1859, p. 361.

Both parties to the controversies that had now arisen between the Federal Judges on the one hand and Governor Cumming and U. S. Attorney Wilson on the other, promptly appealed to the proper departments of the federal administration, Judges Sinclair and Cradlebaugh in a conjoint letter from Camp Floyd to President Buchanan, under date of April 7th, detailing their views of the recent happenings in the Territory.[45] U. S. Attorney Wilson, by letters under date of March 28th, and April 8th, to Attorney General Jeremiah S. Black; and Governor Cumming in several communications to Hon. Lewis Cass, Secretary of State, under dates of 25th, 27th, and 31st of March, with many inclosures, citizens' petitions, memorials; correspondence with Gen. Johnston, Judge Cradlebaugh and his own Proclamation and Protest. The conclusion of the whole matter was that the Executive and the people of the Territory were sustained all down the line in their contentions and petitions, as against the U. S. Judges and the military.

In his letter to Judges Cradlebaugh and Sinclair, Attorney General Black, under date of May 17th, cuttingly said:

"The condition of things in Utah made it extremely desirable that the judges appointed for that Territory should confine themselves strictly within their own official sphere. The government had a district attorney, who was charged with the duties of a public accuser, and a marshal, who was responsible for the arrest and safe-keeping of criminals. For the judges, there was nothing left except to hear patiently, according to the evidence adduced on both sides. It did not seem either right or necessary to instruct you that these were to be the limits of your interference with the public affairs of the Territory, for the executive never dictates to the judicial department. The President is responsible only for the appointment of proper men. You were selected from a very large number of other persons, who were willing to be employed on the same service, and the choice was grounded solely on your high character for learning, sound judgment, and integrity. It was natural, therefore, that the President should look upon the proceedings at Provo with a sincere desire to find you in all things blameless."

The Attorney General admitted that it might be true that pub-

45. Senate Ex. Doc., 36th Cong., 1st Sess., No. 32, p. 5-9

lic opinion in Utah would be opposed to the conviction of parties who deserved punishment, but even if that were true, "every inhabitant in Utah must still be proceeded against in the regular, legal and constitutional way." Then came Judge Black's findings:

"On the whole, the President is very decidedly of opinion:
1. That the governor of the Territory alone has power to issue a requisition upon the commanding general for the whole or a part of the army.
2. That there was no apparent occasion for the presence of the troops at Provo.
3. That if a rescue of the prisoners in custody had been attempted, it was the duty of the marshal, and not of the judges, to summon the force which might be necessary to prevent it.
4. That the troops ought not to have been sent to Provo without the concurrence of the governor, nor kept there against his remonstrance.
5. That the disregard of these principles, and rules of action has been, in many ways, extremely unfortunate.[46]

To the U. S. Attorney for the Territory, the Attorney General on the same date wrote:

"On Proper occasions, and in a proper and respectful manner, you must oppose every effort which any judge may make to usurp your functions. Do not allow your rights to remain unasserted. If the judges will confine themselves to the simple and plain duty imposed upon them by law of hearing and deciding the cases that are brought before them, I am sure that the business of the Territory will get along very well. This must be impressed upon their minds, if possible; for if they will insist upon doing the duties of prosecuting attorney and marshal as well as their own, everything will be thrown into confusion and the peace of the Territory may be destroyed at any moment. * * * Your conduct at Provo seems, from all accounts of it, to have been perfectly proper, and is fully approved by the President. Your refusal on a former occasion to violate the promise of pardon contained in the President's proclamation was equally praiseworthy and correct."[47]

In answer to Governor Cumming's request that the discrep-

46. Senate Ex. Doc., 36th Cong., 1st Sess., No. 32, pp. 2 and 4.
47. *Ibid* p. 9, 10.

ency which existed between the instructions given to the civil and military departments in Utah might be removed "by some further action on the part of government;" and that all requisitions for troops be made by or through the governor of the Territory, in order to avoid the confusion which will always arise from the pursuance of a difference policy the secretary of state under date of May 2nd, answered:

"I am instructed to inform you that orders have been issued from the War Department which will remove any such discrepancy between the civil and military departments of the government as that to which you refer; * * * and it is earnestly hoped that the harmony will not again be interrupted."[48]

To General Johnston, the Secretary of War, John B. Floyd, under date of May 6th, wrote:

"Peace being now restored to the Territory, the judicial administration of the laws will require no help from the army under your command. If the services of the United State troops should be needed, under any circumstances, it could only be to assist the executive authority in executing the sentence of law or the judicial decrees of the court. And that necessity could only arise when the services of a civil posse were found to be insufficient. You will therefore only order the troops under your command to assist as a *posse comitatus* in the execution of the laws upon the written application of the governor of the Territory, and not otherwise."[49]

These several instructions and orders from the federal administration, put a stop to the wild judicial career of the federal judges of the period, one of whom, judge Cradlebaugh, with a strong, and somewhat heterogeneous military detachment[50] was fast creating a reign of terror in the south part of the Terri-

48. House Ex. Doc., 36 Cong., 1st Sess., No. 78, p. 24.
49. House Ex. Doc., 36 Cong., 1st Sess., No. 78, p. 31.
50. The command comprised "two companies of infantry, one hundred dragoons, and one hundred discharged teamsters, amounting to three hundred men." Affidavit of Jacob Hamblin before Judge Elias Smith, 3rd, June, 1859. Not satisfied with this military force Judge Cradlebaugh in his encampment on the Santa Clara, sought to employ through Hamblin, the Indian interpreter, a force of Indians to capture John D. Lee. See Hamblin's affidavit, in Hist. of Brigham Young, *Ms.*, entry for June, 1859, pp. 471-2.

tory. But when the officer commanding the detachment of troops accompanying the judge received orders from General Johnston to return to Camp Floyd, since hereafter the troops were to be used in connection with the civil affairs of the Territory only in the "execution of the sentences of the law, or the judicial decrees of the court, *and then only on the written application of the governor,*" the zeal of the judge was cooled; he returned with the troops to Camp Floyd, and soon afterwards, as explained elsewhere,[51] he brought his judicial career in Utah to a close.

Another event in Mormon community life proper to mention here, and with which Col. Kane's name is at least distantly associated, was the election of Capt. William H. Hooper in the fall of 1859, to succeed, as Utah's delegate to congress, Dr. John M. Bernhisel, who had served from the organization of the Territory until succeeded by Captain Hooper. It was doubtless as much the desire of the Doctor to be relieved from a difficult post as it was for his constituents to seek a new representative, that led to the change, since the Doctor's services, though rendered in a quiet, unobstrusive way were nevertheless satisfactory, and doubtless quite as effective as a more aggressive course would have been.[52]

President Young, however, in 1854, had written to Col. Thomas L. Kane "offering him the appointment of delegate from Utah Territory," and invited him, meanwhile, to aid Dr. Bernhisel. At the same time the President also wrote Bernhisel of his tender to Col. Kane of the post of delegate, and advised him to counsel with the Colonel.[53] Nothing came of the proposal, as doubtless the Colonel was not willing to have the purely disinterested service he had hitherto rendered the Latter-day Saints marred by the acceptance of a position that would have the appearance of a political reward; and certainly his holding no official position—the gift of the people of Utah—rendered him all the more serviceable in the "Utah War" issue,

51. *Ante,* chapter LXXXVI, this History.
52. See *Deseret News* of 6th of July, 1859.
53. See Hist. of Brigahm Young, 1854, p. 97; also Letter folio 722, and 734.

and after that in supporting the policy and retaining in office, Governor Cumming.

Horace S. Eldridge had been first nominated for the position of delegate, but owing to his absence from the Territory at the time of his nomination, and the likelihood of his not returning before the day of election becoming apparent, his name was withdrawn, and Captain Hooper was placed in nomination and elected by nearly a unanimous vote.[54]

54. See *Deseret News* of July 6th, 1860; and July 27th, 1859.

The *Baltimore Republican,* commenting on Mr. Hooper's election, gave the following biographical and character sketch of him, after his arrival at the capital from Utah.

"By what would seem to be a singular coincidence, three of the present delegates in Congress from the Territories are native-born Marylanders. Among them we recognize a native of this State, in Hon. William H. Hooper, representing the Territory of Utah, as the successor of Dr. Bernhisel. . . . Mr. Hooper is a man of superior intelligence and energy and activity, fine manners and address, and who in his frank and open intercourse will do much—whatever may be the faults of his people—to remove those prejudices which—whether rational or not—have hitherto prevailed against the Mormon people.

"There is something singularly interesting in the history of this gentleman and his connection with that peculiar people whom he now represents in the councils of the nation. He was born in Dorchester county, on the eastern shore of our State [Maryland] at the old home of his family called Warwick Manor, and is a son of Henry Hooper, and a grandson of James Price. Residing for a few years in this city, employed in a mercantile house, at the age of 21 he removed in 1835 to Galena, Illinois, and engaging largely in commercial business, and soon accumulated a fortune. In the crash of 1837, by the collapse of one of the banks in that State, his house, then one of the largest in the West, became involved, winding up by the ultimate payments, however, of every dollar of liabilities. He then turned his attention to steamboating from St. Louis on the Mississippi, [in the capacity of a captain on the steamers he navigated—hence the title which clung to him through life], and soon acquired again a liberal fortune, which was swept from him by the great fire in that city in 1859. Added to this misfortune soon came a bereavement in the death of his wife, and following this a total prostration of his own health. He was pronounced beyond hope of recovery by his physicians, and advised as a last resort to cross the plains to California, a milder climate. Broken down and dejected, he reached Salt Lake City, unable to move farther. In this condition he was kindly ministered to by the gentle care of the people of Salt Lake, and in time was restored to health. He then resolved to remain among those who had thus established a claim upon his gratitude; entered anew into mercantile business; acquired a liberal fortune, and married a lady who is his present companion. By nearly an unanimous vote he was last year chosen as representative of the Territory in Congress, and by his gentlemanly bearing, unexceptionable character, and superior intelligence has already established himself in the confidence and respect of the people at the seat of Government." (*Baltimore Republican,* copied into *Deseret News* of 8th Feb., 1859).

Historic Views and Reviews

Lossing Papers Sold

stuyvesant document brings $185; early caricature, $140

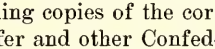
A fine document, signed by Peter Stuyvesant, last Dutch Governor of the New Netherlands, dated Fort Amsterdam, May 20, 1664, and framed in the wood of the famous Stuyvesant pear tree, was bought for $185 by Dodd & Livingston at yesterday's sale by the Anderson Auction Company of the fifth part of the library of the late Benson J. Lossing, historian. It is a grant of land at Canarsie, L. I., to Goovert Loeckerman, one of the leading merchants of New Amsterdam and a large trader with the Indians.

F. Hausman gave $140 for a rare caricature etching, "The Present State of Our Country," by William Charles, an English engraver, who came to this country about 1804 and introduced the political caricature so common in France and Great Britain at that time. It represents two figures—Federalism and Democracy—pulling down columns supporting Liberty, Independence, etc. In the upper right corner a bust portrait of George Washington, rising from clouds, warns them against the destruction of the Union. Only one other copy is known. It is in a private New York collection, and was obtained some six years ago at a sale in Philadelphia for $67.50 by Robert Fridenberg, who was the underbidder on the specimen sold yesterday.

The Orderly Book of Lieut. Col. Henry Beekman Livingston, an interesting Revolutionary item, containing copies of letters from George Washington, Alexander Hamilton, John Hancock, and others, was knocked down to Dodd & Livingston for $72. A letter of Washington, written in the third person, brought $45. An abstract of the Stamp Duty Act, a tiny pamphlet of thirty-six

pages, printed by Hugh Gaine in this city, about 1764, went to Dodd & Livingston for $35. The exceedingly rare Bourne view of New York City, showing St. John's Church in Varick street and Christ Church in Anthony street, was bought by Robert Fridenberg for $51. Dodd & Livingston paid $87.50 for six civil war letters of the celebrated Confederate General, Leonidas Polk. Mr. Fridenberg gave $81 for The Royal American Magazine for March, 1775, printed in Boston, and with frontispiece engraved by Paul Revere, entitled "America in Distress."

B. M. Baruch gave $21 each for a tea-tax caricature entitled "Liberty Triumphant" and a war of 1812 caricature entitled "Admiral Cockburn Burning and Plundering Havre de Grace." A Letter Book containing copies of the correspondence between Gen. Felix K. Zollicoffer and other Confederate officers went to Dodd & Livingston for $23. Gen. Abner Doubleday's manuscript account of the battle of Gettysburg was bought by E. Scott for $31.



ERRATA

October, 1913, page 899 line 11 from top for (Family Visitor of Milwaukee, Wisconsin, in issue of June 3, 1867), read Family Visitor of Cleveland and Hudson, Ohio, in the issue of June 3, 1851, and in line 15 for (Dr. J. A. Lapham) read Dr. I. A. Lapham.

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